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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

WESCO INSURANCE COMPANY as subrogee
of its insured NICKELS AND DIMES
INCORPORATED,

Plaintiff,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG., an Iowa
corporation,

Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL

JENNIFER WYMAN, individually; BEAR
WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
WYMAN; and SARA RODRIGUEZ natural
parent and guardian ad litem of JACOB WYMAN,

Plaintiffs,

vs.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG, an Iowa
Corporation; HI-TECH SECURITY INC, a
Nevada Corporation; WILLIAM ROSEBERRY;
BOULEVARD VENTURES, LLC, a Nevada
Corporation; DOES 1 through 10; BUSINESS
ENTITIES I through V; and ROE
CORPORATIONS 11 through 20, inclusive,

Defendants.

Case No.: 2:16-cv-02378-JCM-EJY

**DEFENDANT SMART INDUSTRIES
CORPORATION'S MOTION TO STRIKE
WYMAN PLAINTIFFS' FOURTH
DISCLOSURE OF DOCUMENTS AND
WITNESSES**

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1 HI-TECH SECURTY INC; and WILLIAM
ROSEBERRY,

2 Third-Party Plaintiffs,

3 vs.

4 NICKELS AND DIMES INCORPORATED,

5 Third-Party Defendants.

6 SMART INDUSTRIES CORPORATION dba SMART INDUSTRIES CORP., MFG.
7 (Smart), by and through its attorneys, BARRON & PRUITT, LLP, submits the following *Motion to*
8 *Strike Wyman Plaintiffs' Fourth Disclosure of Documents and Witnesses.*

9 I. INTRODUCTION

10 Plaintiffs Jennifer Wyman, Bear Wyman, and Vivian Soof (Wyman Plaintiffs) filed their
11 complaint more than three years ago on October 10, 2016 in the Eighth Judicial District Court of
12 Clark County, Nevada. Smart removed that case within two days to this Court's jurisdiction. On
13 February 3, 2017, the parties met for the required LR 26-1/Rule 26(f) conference. After a Discovery
14 Plan and Proposed Scheduling Order was filed on February 3, 2017 (2:16-cv-02378-JCM-EJY, ECF
15 No. 24), the Court issued a Scheduling Order on February 6, 2017, setting an initial expert
16 designation deadline of June 2, 2017 and an original discovery deadline of August 2, 2017 (2:16-cv-
17 02378-JCM-EJY, ECF No. 25).

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19 Subsequently, on June 27, 2017, the Court granted an extension of the discovery deadlines,
20 with the extension ending discovery on October 2, 2017 and making dispositive motions due on
21 November 1, 2017 (2:16-cv-02378-JCM-EJY, ECF No. 40). However, the parties did not seek an
22 extension of the initial expert designation, which expired on June 2, 2017. On June 22, 2017, this
23 Court granted an identical extension in a sister case (2:16-cv-01206-JCM-EJY, ECF No. 30) just
24 before the two cases were consolidated (2:16-cv-02378-JCM-EJY, ECF Nos. 42). No subsequent
25 stipulations to extend discovery deadlines for the Wyman Plaintiffs were filed.

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27 During the foregoing discovery period, the Wyman Plaintiffs served the other parties with
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1 copies of their *Initial Disclosure Pursuant to FRCP 26(f)* on February 28, 2017.¹ The Wyman
 2 Plaintiffs later supplemented their initial disclosures on August 15, 2017, September 5, 2017, and
 3 October 2, 2017 (the extended discovery deadline).²

4 However, nearly two years after discovery closed, on August 27, 2019, Wyman Plaintiffs
 5 served their “fourth disclosure” (more accurately their “fourth supplement”) to their initial
 6 disclosures, in an unauthorized and improper attempt to add multiple computations of damages,
 7 witnesses (including expert witnesses), documents, and tangible items.³ Soon after, on September 4,
 8 2019, the Wyman Plaintiffs filed a proposed discovery plan and scheduling order (ECF No. 138),
 9 suggesting that this Court re-open discovery for 180 days until March 2, 2020. Wyman Plaintiffs’
 10 proposal argued their need to “supplement FRCP 26(f) Disclosures as Needed,” propound “any other
 11 written discovery as needed,” and depose at least a dozen additional witnesses. But no mention was
 12 made that nearly all of the potential deponents listed—including all of the defense’s designated
 13 expert witnesses—were previously disclosed by Smart (and other parties) well in advance of the
 14 October 2, 2017 close of discovery.

15 To date, no stipulation or agreement exists between the parties to allow such untimely
 16 disclosures or to re-open discovery for the benefit of the Wyman Plaintiffs. Furthermore, this Court
 17 never issued an order allowing Wyman Plaintiffs to serve additional disclosures past the October 2,
 18 2017 discovery deadline. Although litigation commenced in this action more than three years ago,
 19 trial remains unscheduled.

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 26 ¹ Wyman Plaintiffs’ Initial Disclosures, pleadings attached as **Exhibit A**.

27 ² Wyman Plaintiffs’ First Supplement to Initial Disclosures, pleadings attached as **Exhibit B**;
 28 Wyman Plaintiffs’ Second Supplement to Initial Disclosures, pleadings attached as **Exhibit C**;
 Wyman Plaintiffs’ Third Supplement to Initial Disclosures, pleadings attached as **Exhibit D**.

³ Wyman Plaintiffs’ Fourth Supplement to Initial Disclosures, pleadings attached as **Exhibit E**.

II. LEGAL ARGUMENT

A. District Courts Have Wide Latitude to Issue Rule 37(c)(1) Sanctions On a Party for Violations of Rules 26(a), (e).

The guiding premise of the Federal Rules of Civil Procedure is that the Rules “should be construed and administered to secure the just, speedy, and inexpensive determination of every action.”⁴ Rule 26(a)(1), which governs initial disclosures, effectuates Rule 1’s purpose by imposing an affirmative duty on litigants to disclose certain information, including a computations of damages and list of witnesses, without waiting for a discovery request.⁵

Legal consequences follow when a party fails to make timely initial disclosures or to supplement a disclosure. Under Fed. R. Civ. P. 37(c)(1), “[i]f a party fails to provide information . . . as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial.” The Advisory Committee notes to the 1993 amendments to Rule 37 describe the exclusion sanction as “self-executing” and “automatic.” Furthermore, mention of information in written discovery responses that should have been disclosed is insufficient to cure a failure to disclose.⁶

The Ninth Circuit grants “wide latitude to the district court’s discretion to issue sanctions under Rule 37(c)(1).”⁷ “If full compliance with Rule 26(a) is not made, Rule 37(c)(1) mandates some sanction, ‘the degree and severity of which are within the discretion of the trial judge.’”⁸ “Rule 37(c) provides a range of sanctions from the most harsh (total exclusion and dismissal of the case) to more moderate (limited exclusion and attorney’s fees), to give the district court latitude in matching the degree of noncompliance with the purpose of Rule 26’s mandatory disclosure

⁴ Fed. R. Civ. P. 1.

⁵ See Fed. R. Civ. P. 26(a), Advisory Comm. Notes (1993).

⁶ See *Benjamin v. B & H Educ., Inc.*, 877 F.3d 1139, 1150 (9th Cir. 2017) (mention of witness in interrogatory response is insufficient).

⁷ *Yetti by Molly, Ltd. v. Deckers Outdoor Corp.*, 259 F.3d 1101, 1106 (9th Cir. 2001).

⁸ *Scott v. Smith's Food & Drug Centers, Inc.*, 218CV303JCMVCF, 2019 WL 3975131, at *2 (D. Nev. Aug. 22, 2019) (citing *Cohen v. Hansen*, 2:12-CV-01401-JCM-PAL, 2014 WL 1873968, at *11 (D. Nev. May 8, 2014)).

requirements.”⁹

B. Wyman Plaintiffs Never Objected to Making Certain Initial Disclosures at the Rule 26(f) Discovery Conference or in the Subsequently Filed Discovery Plan.

The Federal Rules of Civil Procedure require each party, early in the discovery period and “without awaiting a discovery request,” to provide to the other parties certain information reasonably available to the providing party as well as certain documents within their possession, custody, or control.¹⁰ Generally each party must make its initial disclosures “at or within 14 days after the parties’ Rule 26(f) conference.”¹¹ In this case, that conference occurred on February 3, 2017 making initial disclosures due by February 17, 2017. A party may object to certain disclosures during the Rule 26(f) discovery conference and state such objection in the Rule 26(f) discovery plan filed with the district court.

But no party made any such objection at the February 3, 2017 Rule 26(f) discovery conference nor was such an objection stated in the February 6, 2017 Rule 26(f) discovery plan filed with this Court (ECF No. 25). Accordingly, no party was excused from making mandatory initial disclosures under Rule 26(a)(1).

C. Wyman Plaintiffs Failed to Disclose Numerous Witnesses, Including Expert Witnesses, Until Nearly Two Years After the Expiration of the Discovery Deadline.

Rule 26(a)(1)(A)(i) requires a party to timely disclose “the name and, if known, the address and telephone number of each individual likely to have discoverable information—along with the subjects of that information—that the disclosing party may use to support its claims.” Additionally, Rule 26(a)(2)(A) requires that “a party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705,” “at the times and in the sequence that the court orders,” Fed. R. Civ. P. 26(a)(2)(D).

⁹ *Hutchinson v. Glob. Experience Specialists Inc.*, 216CV02397MMDEJY, 2019 WL 3804234, at *2 (D. Nev. Aug. 13, 2019) (citing *Ortiz-Lopez v. Sociedad Espanola de Auxilio Mutuo Y Beneficiencia de Puerto Rico*, 248 F.3d 29, 34 (1st Cir. 2001)).

¹⁰ Fed. R. Civ. P. 26(a)(1).

¹¹ Fed. R. Civ. P. 26(a)(1)(C).

1 Instead of complying with these rules, Wyman Plaintiffs attempt to quietly supplement their
2 disclosures nearly two years after an extended discovery period closed on October 2, 2017 (and
3 more than two years after the expert designation deadline closed on June 2, 2017). Their “Fourth
4 Disclosure” improperly attempts to add a multitude of witnesses:

- 5 1) 17 custodians of record; and
- 6 2) At least 18 witnesses “expected to give expert opinions in accordance with FRCP
7 26(a)(2)(C),”¹² consisting of healthcare providers, therapists/counselors, coroner/medical
8 examiners, and cremation service persons.

9 For all of Wyman Plaintiffs’ assertion that these 18+ new expert witnesses are expected to give
10 opinions “in accordance with FRCP 26(a)(2)(C),” Wyman Plaintiffs’ years-late disclosures still fail
11 to provide even a “summary of the facts and opinions to which [each] witness is expected to testify,”
12 as plainly required by Fed. R. Civ. P. 26(a)(2)(C)(ii).¹³ Because all of these expert designations fail
13 to meet the minimum criteria and timing for disclosure and supplementation, this Court should strike
14 these rogue designations.
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16 Furthermore, this Court should strike Wyman Plaintiffs’ untimely non-expert witness
17 disclosures. The underlying incident in this action occurred on September 29, 2015. Accordingly,
18 Wyman Plaintiffs knew about most of these witnesses (*e.g.*, medical providers, coroner/examiner,
19 cremation services provider) since circa October 2015, and the few outliers (*e.g.*,
20 therapists/counselors) were still known to Wyman Plaintiffs well within the stipulated and approved
21 discovery period. As a rule, Wyman Plaintiffs cannot excuse their own failure to fully investigate
22 their own case.¹⁴ Because Wyman Plaintiffs lack sufficient justification for their failure to properly
23 disclose these witnesses with specificity, consistent with the ordinary rules of civil procedure, they
24 should not be allowed to use these witnesses to supply evidence on a motion, at a hearing, or at a
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27 ¹² Exhibit E.

28 ¹³ See *id.*

¹⁴ See Fed. R. Civ. P. 26(a)(1)(E).

trial.¹⁵

The numerous witnesses Wyman Plaintiffs attempt to disclose also hardly fit within a category of “obvious” subjects for deposition, based both on their sheer number and their roles. Indeed, Smart holds no duty to develop the Wyman Plaintiffs’ case for them or to ascertain whom Wyman Plaintiffs’ may call at trial among scads of potential witnesses—particularly if Wyman Plaintiffs also avoid disclosing computations of medical damages and medical records/bills.¹⁶ Furthermore, as Wyman Plaintiffs failed to disclose both the subject matter on which their “expert witnesses” would opine and a summary of the facts and opinion to which they were expected to testify before the discovery deadline, Smart could not accurately forecast which of these experts needed to be deposed.

In short, Wyman Plaintiffs’ failure to disclose affected Smart’s decisions during the course of litigation. The parties’ theories of the case is firmly set and all discovery completed elaborate on those theories. To avoid cost, harm, and prejudice to Smart and the other defendants, at trial, these untimely disclosures should be stricken.

D. Wyman Plaintiffs Failed to Disclose Certain Documents and Tangible Items for Nearly Two Years Post-Discovery Deadline

Rule 26(a)(1)(A)(ii) requires a party to timely disclose “a copy—or a description by category and location of all documents, electronically stored information . . . that the disclosing party has in its possession, custody, or control and may use to support its claims.”

Despite the well-established requirement to timely disclose, Wyman Plaintiffs attempt to supplement their disclosures nearly two years after an extended discovery period closed. Their “Fourth Disclosure” improperly attempts to add considerably to their prior disclosures:

- 1) Approx. 735 pages of medical records and billing statements for MedicWest Ambulance,

¹⁵ Fed. R. Civ. P. 37(c).

¹⁶ In fact, no Plaintiffs in this case disclosed computations of damages for Affordable Cremation & Burial, Radiology Specialists, Sunrise Hospital, or United Critical Care prior to the applicable discovery deadline.

Radiology Specialists, Sunrise Hospital, and United Critical Care;

- 2) Approx. 7 X-Rays and CT Scans of Charles Wyman performed at Sunrise Hospital in early October 2015;
- 3) Charles Wyman and Jennifer Wyman's Federal Tax Returns – Form 1040 (for the years 2014-2015); and
- 4) Surveillance video of the subject incident captured September 29, 2015.

To the extent that no other party timely disclosed these documents, video, and tangible items, this Court should strike all of Wyman Plaintiffs' late disclosure. All of these new productions existed in the fall of 2015 and Wyman Plaintiffs controlled or possessed the same. Yet, Wyman Plaintiffs unreasonably delayed disclosure until late in August 2019. Wyman Plaintiffs lack sufficient justification for their failure to properly and timely disclose these documents and X-rays/CT scans, and so they should not be allowed to use them to supply evidence on a motion, at a hearing, or at a trial.¹⁷

In an effort to simplify and unify evidence, this Court should only allow parties to use documents, video, or tangible evidence timely disclosed—subject to any and all objections to admissibility. By limiting evidence accordingly, the Court will help alleviate confusion and cost arising from competing bates numbering, etc.

To avoid cost, harm, and prejudice to Smart and the other defendants, at trial, these untimely disclosures should be stricken.

E. Wyman Plaintiffs Failed to Disclose Certain Computations of Alleged Damages for Nearly Two Years Post-Discovery Deadline

Rule 26(1)(1)(A)(iii) requires a party to timely disclose “a computation of each category of damages claimed by the disclosing party.” And “[c]ourts in the District of Nevada routinely exclude

¹⁷ Fed. R. Civ. P. 37(c).

damages claims that are not timely disclosed pursuant to Rule 26(a).”¹⁸

The plain language of Rule 26(1)(1)(A)(iii) indicates that for disclosure purposes, damages are determined not by actual cost, but by what a party elects to claim.¹⁹ The rule requires parties to make a reasonable forecast of their damages so the opposing party may “prepare for trial or make an informed decision about settlement.”²⁰ Also, the rule requires the party to make its initial disclosures based on the information then reasonably available to it, and a party is not excused from making its disclosure because it has not fully investigated the case.²¹

Next, Rule 26(e)(1)(A) requires litigants to supplement initial disclosures “in a timely manner” if the party making the disclosure learns “that some material respect” of the disclosure changed.²² But this duty to supplement does not create a “loophole” for a party who wishes to revise its initial disclosures to its advantage after the deadline has passed.²³

Wyman Plaintiffs attempt to supplement their disclosures nearly two years after an extended discovery period closed. Their “Fourth Disclosure” improperly and untimely attempts to raise their past medical and related expenses computation by a total of \$177,468.17, broken down as follows:

- 1) Affordable Cremation & Burial (\$1,508.17);
- 2) Radiology Specialists (\$486.00);
- 3) Sunrise Hospital (\$172,154.00); and

¹⁸ *Winfield v. Wal-Mart Stores, Inc.*, 214CV01034MMDCWH, 2016 WL 259690, at *5 (D. Nev. Jan. 20, 2016) (granting motion to exclude untimely disclosed damages claims and citing seven cases where untimely disclosed damages claims were excluded).

¹⁹ *See Sylla-Sawdon v. Uniroyal Goodrich Tire Co.*, 47 F.3d 277, 284 (8th Cir. 1995), *cert. denied*, 516 U.S. 822 (1995) (stating that the purpose of Rule 26(a) is to enable parties to prepare for trial, not calculate liability); *Patton v. Wal-Mart Stores, Inc.*, No. 2:12-v-2142-GMN, 2013 WL 6158461, at *4 (Nov. 20, 2013 D. Nev.) (“Actual cost is not Rule 26(a)(1)(A)(iii)’s focus. The plain language of the rule states that ‘a party must ... provide ... a computation of each category of damages claimed by the disclosing party.’”); *Montilla v. Wal-Mart Stores, Inc.*, No. 2:13-cv-2348-GMN-VCF, 2015 WL 5458781 (Sept. 16, 2015 D. Nev.) (same).

²⁰ Fed. R. Civ. P. 26(a), Advisory Comm. Notes (1993).

²¹ Fed. R. Civ. P. 26(a)(1)(E).

²² Fed. R. Civ. P. 26(a)(1)(A).

²³ *Luke v. Family Care and Urgent Med. Clinics*, 323 Fed. Appx. 496, 500 (9th Cir. 2009).

4) United Critical Care (\$3,320.00).

Because Plaintiff unreasonably delayed disclosing these computations, Defendant lacked meaningful opportunity to address the same during discovery and preparations for trial over the past years. The bottom line is that Wyman Plaintiffs' decision to withhold these disclosures affected Smart's decisions during the litigation process. Moreover, Wyman Plaintiffs also failed to timely disclose the billing statements for Radiology Specialists, United Critical Care, and Sunrise Hospital; relevant tax returns; any witnesses from Affordable Cremation & Burial Service, Radiology Specialists, and United Critical Care; and multiple witnesses (including the custodian of records) for Sunrise Hospital. Additionally, Wyman Plaintiffs never disclosed a billing statement for Affordable Cremation & Burial.

The Ninth Circuit routinely recognizes that the implementation of a Rule 37(c) sanction excluding undisclosed computations of alleged damages may be appropriate. In fact, exclusion may be appropriate "even when a litigant's entire cause of action . . . [will be] precluded."²⁴ Here, Wyman Plaintiffs' failure to disclose certain computations of alleged damages should result in their exclusion at trial.

Exclusion would result in a just outcome. Indeed, Wesco Ins. Co. seeks to recover as subrogee the medical specials for Charles Wyman, because it actually paid those bills. During the course of timely discovery, Smart deposed Sebastian Lara, claims examiner for Wesco Ins. Co.'s owner (AmTrust North America), and learned that Charles Wyman's medical expenses were paid by Wesco Ins. Co. (not Wyman Plaintiffs) and at a fraction of the cost computed in Wyman Plaintiffs' "fourth disclosure." The hospital medical payment was reduced from approx. \$168,000.00 to just \$31,712.07.²⁵

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²⁴ *Hoffman v. Constr. Protective Services, Inc.*, 541 F.3d 1175, 1180 (9th Cir. 2008) (citing *Yetti*, 259 F.3d at 1106).

²⁵ Deposition of Sebastian Lara, 59:24-61:24.

F. Wyman Plaintiffs' Untimely Disclosures are Neither Substantially Justified Nor Harmless

Rule 37(c)(1) does allow undisclosed and untimely information to be later introduced, if the disclosing party's failure is substantially justified or harmless. But the burden to show that a failure to disclose information was justified or harmless is on the party that failed to make the disclosure.²⁶ And when a party fails to comply with the deadlines of a scheduling order "severe sanctions" and the "exclusion of evidence" may be proper.²⁷ Moreover, "the Ninth Circuit has recognized that disruption of the court's discovery plan and scheduling order is not harmless."²⁸

In *Wendt v. Host International, Inc.*, 125 F.3d 806, 814 (9th Cir. 1997), the Ninth Circuit identified several factors that the district court must consider in deciding whether to impose Rule 37(c)(1)'s exclusion sanction (or some lesser sanction) to dismiss a claim. Those factors include: (1) the public's interest in expeditious resolution of litigation, (2) the court's need to manage its docket, (3) the risk of prejudice to the other parties, (4) the public policy favoring disposition of cases on their merits, and (5) the availability of less drastic sanctions. Although, in this case, the inquiry is whether to limit the evidence supportive of Wyman Plaintiffs' claims instead of whether to dismiss their claims, analysis of these factors still favors striking Wyman Plaintiffs' untimely disclosures and refraining from reopening discovery.

Here, the first *Wendt* factor favors granting Smart's instant motion. This case commenced more than three years ago. All parties' theories of the case have been firmly set by now, and all discovery completed served to elaborate on those theories. Arguably, the public's interest in expeditious resolution of litigation has already been failed, and allowing additional years-late discovery would only compound the disservice to the public interest already inflicted.

²⁶ *R&R Sails, Inc. v. Ins. Co. of Penn.*, 673 F.3d 1240, 1246 (9th Cir. 2012) (citing *Torres v. City of L.A.*, 548 F.3d 1197, 1213 (9th Cir. 2008)); *Yetti*, 259 F.3d at 1107.

²⁷ *Id.* (citing *Jackson v. American Family Mutual Ins. Co.*, No. 2:10-cv-01874-LRH-PAL, 2012 WL 845646 at *3 (Mar. 12, 2012 D. Nev.)

²⁸ *Id.*

1 The second *Wendt* factor goes to the Court's interest in managing its own docket. Clearly,
2 the expeditious resolution of litigation will better allow the Court to manage its docket, as opposed
3 to the unnecessary and untimely re-opening of the case for extensive additional discovery. This case
4 has already burdened the Court's docket for three years.

5 The third *Wendt* factor considers the prejudice to other parties should the Court permit
6 Wyman Plaintiffs' late disclosure. Wyman Plaintiffs' late disclosure attempts to raise computations
7 of damages by close to \$180,000.00 and disclose evidence and witnesses supportive of those
8 damages nearly four years post-accident (more than three years since litigation commenced and
9 nearly two years since discovery closed). But Smart and the other Defendants discovered and
10 prepared their defenses long ago in the absence of such disclosures. Moreover, Wyman Plaintiffs'
11 make their untimely disclosure as part of their attempt to re-open discovery widely for all parties--
12 enabling Wyman Plaintiffs to rework their theory of the case. Such a wide re-opening would
13 significantly drive up the expense of litigation for all parties and further protract an already lengthy
14 course of litigation. Smart and the other parties, deserve their "day in court" after years of preparing
15 this case for trial. To allow Wyman Plaintiffs to circumvent the rules of this Court would
16 unquestionably prejudice Smart and the other parties—and allow Wyman Plaintiffs to raise their
17 damages claims against the defendants at the last hour.

18 The fourth *Wendt* factor considers the public policy preference for disposing of cases on
19 their merits. That is precisely what Smart is asking for: That this case be heard by a jury and
20 decided on its merits as it stood at the time discovery closed herein, just like any other case.
21 Discovery by each of the parties (save Nickels and Dimes, Inc.) is fully completed, and nothing but
22 Wyman Plaintiffs and their counsel's desire to flip the board and reset the pieces stands in the way
23 of proceeding to a jury trial based upon the ample and entirely adequate body of evidence that
24 already exists. Disposing of a case on its merits does not require giving special leeway to a party so
25 that its new counsel can reconfigure the previous attorney's theory of the case based upon
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1 preference. Accordingly, this factor also weighs heavily in favor of striking the late disclose
2 evidence and against reopening discovery.

3 Finally, the fifth *Wendt* factor weighs the availability of lesser sanctions. Arguably, refusing
4 to give the Wyman Plaintiffs special treatment by freeing them from the limits of the scheduling
5 order that has stood since June 2017 and allowing their case to proceed to trial after a generous
6 discovery period is no sanction. Moreover, all that Smart asks is that we preserve the status quo—
7 Smart is not even seeking attorney fees at this time. Thus, striking the late disclosures and declining
8 the reopen discovery is the fairest possible course of action.

9 In summary, absent any attempt to explain their years-long delay, Wyman Plaintiffs would
10 have this Court turn a blind eye to their August 27, 2019 disclosure of new computations of
11 damages, numerous and expert witnesses, and pages of documents and important other evidence.
12 These disclosures contravene the rules and supportive case law—and automatic sanctions should
13 follow.
14

15 Additionally, in light of the Wyman Plaintiff's August 27, 2019 disclosures and their
16 September 4, 2019 proposed discovery plan, it appears that a more probable basis for the late
17 discovery and request to reopen discovery is that Wyman Plaintiffs' new counsel, retained post-
18 discovery, simply does not like the lay of the land at this stage in the litigation and desires a redo.
19 More to the point, nothing disclosed by the Wyman Plaintiffs since the close of discovery was
20 unavailable to Wyman Plaintiffs at that time, or even unknown to them, nor was there any other
21 compelling reason that they should not have been able to discover and disclose their case according
22 to the scheduling order already entered by the Court.
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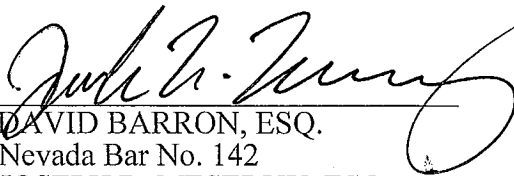
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III. CONCLUSION

Based on the foregoing, Smart respectfully requests that this Court grant its motion and issue an order sanctioning Wyman Plaintiffs under Fed. R. Civ. P. 37(c) striking *Plaintiffs' Fourth Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)*. Additionally, Smart requests that this Court set forth in its order its basis for its decision to impose such sanctions.

DATED this 17th day of October, 2019.

BARRON & PRUITT, LLP



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of October 2019, I served the foregoing
**DEFENDANT SMART INDUSTRIES CORPORATION'S MOTION TO STRIKE WYMAN
 PLAINTIFFS' FOURTH DISCLOSURE OF DOCUMENTS AND WITNESSES** as follows:

☐ BY US MAIL: by placing the document(s) listed above in a sealed envelope, postage prepaid, in the United States Mail at Las Vegas, Nevada, addressed to the following:

☐ BY FAX: by transmitting the document(s) listed above via facsimile transmission to the fax number(s) set forth below.

☐ BY HAND-DELIVERY: by hand-delivering the document(s) listed above to the address(es) set forth below.

☐ BY EMAIL: by emailing the document(s) listed above to the email address(es) set forth below (and attachments via DropBox).

☒ BY ELECTRONIC SERVICE: by electronically serving the document(s) listed above with the PACER (CM/ECF) system upon the following:

Peter Dubowsky, Esq. Amanda C. Vogler-Heaton, Esq. DUBOWSKY LAW OFFICE, CHTD. 300 South Fourth Street, Suite 1020 Las Vegas, NV 89101 <i>Attorneys for Plaintiff Wesco Insurance Company</i>	Karen L. Bashor, Esq. Mark C. Severino, Esq. WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP 300 South 4 th Street, 11 th Floor Las Vegas, NV 89101 <i>Attorneys for Third-Party Defendant Nickels and Dimes Inc.</i>
Steven T. Jaffe, Esq. Monte Hall, Esq. Walter F. Fick, Esq. HALL JAFFE & CLAYTON, LLP 7425 Peak Drive Las Vegas, Nevada 89128 <i>Attorneys for Hi-Tech Security Inc. and William Roseberry</i>	Cliff W. Marcek, Esq. CLIFF W. MARCEK, P.C. 536 East St. Louis Ave. Las Vegas, Nevada 89104 <i>Attorney for Plaintiffs Sara Rodriguez and Jacob Wyman</i>
Tracy A. Eglet, Esq. Thomas N. Beckom, Esq. EGLET ADAMS 400 South 7 th Street, Box 1, Suite 400 Las Vegas, Nevada 89101 <i>Attorneys for Plaintiff Jennifer Wyman</i>	

/s/ MaryAnn Dillard

An Employee of BARRON & PRUITT, LLP

Exhibit A:
Plaintiffs' Initial Disclosure
Pursuant to FRCP 26(f)

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 **GABRIEL A. MARTINEZ, ESQ.**
Nevada Bar No. 000326
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7 Email: gmartinez@ggrmlawfirm.com
8 taskeroth@ggrmlawfirm.com
9 dcoil@ggrmlawfirm.com
Attorneys for Plaintiffs

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 JENNIFER WYMAN, individually; BEAR
13 WYMAN, a minor, by and through his natural
14 parent JENNIFER WYMAN; JENNIFER
15 WYMAN and VIVIAN SOOF, as Joint
Special Administrators of the ESTATE OF
CHARLES WYMAN;

16 Plaintiffs,

17 vs.

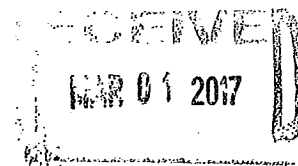
18 SMART INDUSTRIES CORPORATION
19 dba SMART INDUSTRIES CORP., MFG.;
20 HI-TECH SECURITY INC;
21 WILLIAM ROSEBERRY;
22 BOULEVARD VENTURES, LLC;
23 SANSONE COMPANIES, LLC;
24 DOES I through V;
and BUSINESS ENTITIES I through V,
inclusive,

25 Defendants.

CASE NO.: 2:16-CV-02378-RFB- GWF

PLAINTIFFS' INITIAL DISCLOSURE
PURSUANT TO FRCP 26(f)

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their



1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby submits their Initial
2 Disclosures pursuant to FRCP 26(f), as follows.

3 I.

4 WITNESSES

- 5 1. Person Most Knowledgeable
6 Smart Industries Corporation
7 c/o Barron & Pruitt, LLP
8 3890 West Ann Road
9 North Las Vegas, Nevada 89031

10 The designated person(s) most knowledgeable is expected to testify regarding their
11 knowledge of the allegations contained in the subject Complaint and the facts and
12 circumstances at issue in the instant litigation.

- 13 2. Robin Russo
14 Smart Industries Corporation
15 c/o Barron & Pruitt, LLP
16 3890 West Ann Road
17 North Las Vegas, Nevada 89031

18 Ms. Russo is expected to testify regarding her knowledge of the allegations contained
19 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 20 3. Jennifer Wyman
21 c/o Greenman, Goldberg, Raby & Martinez
22 601 South Ninth Street
23 Las Vegas, Nevada 89101

24 Ms Wyman is expected to testify regarding her knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 26 4. Bear Wyman
27 c/o Greenman, Goldberg, Raby & Martinez
28 601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Wyman is expected to testify regarding their knowledge of the allegations
contained in the subject Complaint and the facts and circumstances at issue in the instant
litigation.

///

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

- 1 5. Person Most Knowledgeable
2 Hi-Tech Security Inc.
3 c/o Las' Office of Kenneth E. Goates
4 3993 Howard Hughes Parkway, Suite 270
5 Las Vegas, NV 89169

6 The designated person(s) most knowledgeable is expected to testify regarding their
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

- 9 6. William Roseberry
10 c/o Law Office of Kenneth E. Goates
11 3993 Howard Hughes Parkway, Suite 270

12 Mr. Roseberry is expected to testify regarding his knowledge of the allegations
13 contained in the subject Complaint and the facts and circumstances at issue in the instant
14 litigation.

- 15 7. Person Most Knowledgeable
16 Boulevard Ventures, LLC
17 c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
18 6385 South Rainbow Blvd., Suite 600
19 Las Vegas, NV 89118

20 The designated person(s) most knowledgeable is expected to testify regarding their
21 knowledge of the allegations contained in the subject Complaint and the facts and
22 circumstances at issue in the instant litigation.

- 23 8. Person Most Knowledgeable
24 Sansone Companies, LLC
25 C/O LEWIS BRISBOIS BISGAARD & SMITH LLP
26 6385 South Rainbow Blvd., Suite 600
27 Las Vegas, Nevada 89118

28 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

9. Person Most Knowledgeable
 Clark County Coroner/Medical Examiner
 1704 Pinto Lane
 Las Vegas, NV 89106

 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez
ACCOUNT INQUIRY ATTORNEYS

10. Person Most Knowledgeable
Medic West
9 West Delhi Avenue
North Las Vegas, NV 89032

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

11. Person Most Knowledgeable
Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

12. Person Most Knowledgeable
State of Nevada
Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
1301 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

13. Person Most Knowledgeable
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14. Diane D. Oakley
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

Ms. Oakley is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

15. Kevin Kamphuis
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

Mr. Kamphuis is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

16. Craig Singer
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

Mr. Singer is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

17. Mark McCain
Nickels & Dimes, Inc.
Tilt, Katy Mills Mall
5000 Katy Mills Circle
Katy, Texas 77494

Mr. McCain is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

18. Vicky Peek
Nickels & Dimes, Inc.
Tilt, Katy Mills Mall
5000 Katy Mills Circle
Katy, Texas 77494

Ms. Peek is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

19. Bangeter Reinhardt
Nickels & Dimes, Inc.
Tilt, Plaza Camino Real Mall
2525 El Camino Real #100
Carlsbad, California 92008

Mr. Reinhardt is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

///

Greenman Goldberg Raby Martinez
ACCOUNT INJURY ATTORNEYS

20. Timo Kuusela, Boulevard Mall Manager
c/o Lewis Brisbois Bisgaard & Smith LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, NV 89118

Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21. Boulevard Mall Engineers
c/o Lewis Brisbois Bisgaard & Smith LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, NV 89118

The designated engineers are expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

22. Cindy R., Case Manager
Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

Cindy is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

23. Kim Henderson
Security Guard, Boulevard Mall
c/o Lewis Brisbois Bisgaard & Smith LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, NV 89118

Ms. Henderson is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

24. "Dillon," eyewitness to subject event
Address unknown

Dillon is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

25. Person(s) Most Knowledgeable
Consolidated Electrical Distributors
1901 E. University Avenue
Des Moines, IA 50316

Greenman Goldberg Raby Martinez / ACCOUNT LITIGATION ATTORNEYS

1 The designated person(s) most knowledgeable is expected to testify regarding their
2 knowledge of the allegations contained in the subject Complaint and the facts and
3 circumstances at issue in the instant litigation.

4 26. Person(s) Most Knowledgeable
5 Component Suppliers

6 The designated person(s) most knowledgeable is expected to testify regarding her
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

9 27. Person(s) Most Knowledgeable
10 Component Suppliers

11 The designated person(s) most knowledgeable is expected to testify regarding their
12 knowledge of the allegations contained in the subject Complaint and the facts and
13 circumstances at issue in the instant litigation.

14 28. Sebastian Lara, WESCO Insurance
15 c/o Dubowsky Law Office, Chtd.
16 300 South Fourth Street, Suite 1020
17 Las Vegas, Nevada 89101

18 Mr. Lara is expected to testify regarding his knowledge of the allegations contained in
19 the subject Complaint and the facts and circumstances at issue in the instant litigation.

20 29. James R. Hacker
21 Custard Insurance Adjusters, Inc.
22 3983 East Desert Inn Road
23 Las Vegas, Nevada 89121

24 Mr. Hacker is expected to testify regarding his knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26 30. Russ Toledo
27 Pinnacle Electric
28 4845 W. Reno Avenue
Las Vegas, Nevada 89118

Mr. Toledo is expected to testify regarding his knowledge of the allegations contained
in the subject Complaint and the facts and circumstances at issue in the instant litigation.

31. Unnamed Employee, eyewitness to subject event
Shoe Palace
3576 S Maryland Pkwy, Ste. 120
Las Vegas, Nevada 89169

1 This unnamed employee is expected to testify regarding his knowledge of the
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the
instant litigation.

3 32. Unnamed Employee, eyewitness to subject event
4 Cotton On
5 3506 S Maryland Pkwy, Ste. 300
Las Vegas, Nevada 89109

6 This unnamed employee is expected to testify regarding his knowledge of the
7 allegations contained in the subject Complaint and the facts and circumstances at issue in the
instant litigation.

8 Plaintiffs anticipate that they may require testimony from any and all custodians of
9 records, which are necessary to authenticate documents, which cannot be stipulated to regarding
10 admissibility by the parties herein.

11 Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may
12 hereafter select as the need arises during the course of this litigation; and Plaintiffs further
13 reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs
14 as this litigation progresses and as other witnesses are discovered or located.

15 Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the
16 records custodian for any person(s) or institutions(s) to which there is an objection concerning
17 authenticity; and call any and all witnesses of any other party in this matter.

18 II.

19 DOCUMENTS

- 20 1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);
- 21 2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped
22 2DSI001-2DSI007);
- 23 3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court
24 (Bates Stamped 3DHTFC001-3DHTFC008);
- 25 4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court
26 (Bates Stamped 4DHTDC001-4DHTDC008);
- 27 5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);
- 28 6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);

7. OSHA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);
8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

II.

DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
TOTALS		\$1,080.31

Past Medical and Funeral Expenses Amount to be determined

Loss of Wages and Benefits Amount to be determined

Total Special Damages Amount to be determined

Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. General damages for pain, suffering, mental distress, anguish and fear on behalf of CHARLES WYMAN;
2. General damages of Plaintiffs, individually, for grief, sorrow, loss of companionship, society, and comfort and consortium; and

Plaintiffs reserves all rights to seek other damages including, but not limited to, general and exemplary damages in an amount to be proven at trial.

INSURANCE

DATED this 28th day of February, 2017.

/s/ Dillon G. Coil

Attorneys for Plaintiffs

III

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 28th of February, 2017, the foregoing **PLAINTIFFS' INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Boulevard Ventures, LLC

Carrie McCrea Hanlon, Esq.
LAW OFFICE OF KENNETH E. GOATES
3993 Howard Hughes Parkway, Suite 270
Las Vegas, Nevada 89169
Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry

David Barron, Esq.
BARRON & PRUITT
3890 West Ann Road
North Las Vegas, NV 89031
Attorneys for Defendants Smart Industries Corporation.

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY &
MARTINEZ

Greenman Goldberg Raby Martinez
ATTORNEYS AT LAW
ACCIDENT INJURY ATTORNEYS

Exhibit B:

**Plaintiffs' First Supplement to
Initial Disclosure Pursuant to
FRCP 26(f)**

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 **GABRIEL A. MARTINEZ, ESQ.**

Nevada Bar No. 000326

2 **THOMAS W. ASKEROTH, ESQ.**

Nevada Bar No. 011513

3 **DILLON G. COIL, ESQ.**

4 Nevada Bar No. 011541

GREENMAN GOLDBERG RABY & MARTINEZ

5 601 South Ninth Street

6 Las Vegas, NV 89101

Phone: 702.384.1616 ~ Fax: 702.384.2990

7 Email: gmartinez@ggrmlawfirm.com

taskeroth@ggrmlawfirm.com

8 dcoil@ggrmlawfirm.com

9 *Attorneys for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JENNIFER WYMAN, individually; BEAR
13 WYMAN, a minor, by and through his natural
14 parent JENNIFER WYMAN; JENNIFER
15 WYMAN and VIVIAN SOOF, as Joint
Special Administrators of the ESTATE OF
CHARLES WYMAN;

16 Plaintiffs,

17 vs.

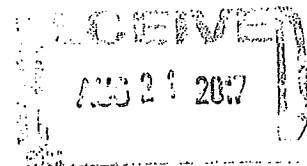
18 SMART INDUSTRIES CORPORATION
19 dba SMART INDUSTRIES CORP., MFG.;
20 HI-TECH SECURITY INC;
21 WILLIAM ROSEBERRY;
22 BOULEVARD VENTURES, LLC;
23 SANSONE COMPANIES, LLC;
DOES I through V;
and BUSINESS ENTITIES I through V,
inclusive,

24 Defendants.
25

CASE NO.: 2:16-CV-02378-RFB- GWF

**PLAINTIFFS' FIRST SUPPLEMENT
TO INITIAL DISCLOSURE PURSUANT
TO FRCP 26(f)**

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their



1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

3 I.

4 WITNESSES

- 5 1. Person Most Knowledgeable
6 Smart Industries Corporation
7 c/o Barron & Pruitt, LLP
8 3890 West Ann Road
9 North Las Vegas, Nevada 89031

10 The designated person(s) most knowledgeable is expected to testify regarding their
11 knowledge of the allegations contained in the subject Complaint and the facts and
12 circumstances at issue in the instant litigation.

- 13 2. Robin Russo
14 Smart Industries Corporation
15 c/o Barron & Pruitt, LLP
16 3890 West Ann Road
17 North Las Vegas, Nevada 89031

18 Ms. Russo is expected to testify regarding her knowledge of the allegations contained
19 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 20 3. Jennifer Wyman
21 c/o Greenman, Goldberg, Raby & Martinez
22 601 South Ninth Street
23 Las Vegas, Nevada 89101

24 Ms Wyman is expected to testify regarding her knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 26 4. Bear Wyman
27 c/o Greenman, Goldberg, Raby & Martinez
28 601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Wyman is expected to testify regarding their knowledge of the allegations
contained in the subject Complaint and the facts and circumstances at issue in the instant
litigation.

///

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

- 1 5. Person Most Knowledgeable
2 Hi-Tech Security Inc.
3 c/o Las Office of Kenneth E. Goates
4 3993 Howard Hughes Parkway, Suite 270
5 Las Vegas, NV 89169

6 The designated person(s) most knowledgeable is expected to testify regarding their
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

- 9 6. William Roseberry
10 c/o Law Office of Kenneth E. Goates
11 3993 Howard Hughes Parkway, Suite 270

12 Mr. Roseberry is expected to testify regarding his knowledge of the allegations
13 contained in the subject Complaint and the facts and circumstances at issue in the instant
14 litigation.

- 15 7. Person Most Knowledgeable
16 Boulevard Ventures, LLC
17 c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
18 6385 South Rainbow Blvd., Suite 600
19 Las Vegas, NV 89118

20 The designated person(s) most knowledgeable is expected to testify regarding their
21 knowledge of the allegations contained in the subject Complaint and the facts and
22 circumstances at issue in the instant litigation.

- 23 8. Person Most Knowledgeable
24 Sansone Companies, LLC
25 C/O LEWIS BRISBOIS BISGAARD & SMITH LLP
26 6385 South Rainbow Blvd., Suite 600
27 Las Vegas, Nevada 89118

28 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

9. Person Most Knowledgeable
 Clark County Coroner/Medical Examiner
 1704 Pinto Lane
 Las Vegas, NV 89106

 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

- 1 10. Person Most Knowledgeable
2 Medic West
3 9 West Delhi Avenue
4 North Las Vegas, NV 89032

5 The designated person(s) most knowledgeable is expected to testify regarding their
6 knowledge of the allegations contained in the subject Complaint and the facts and
7 circumstances at issue in the instant litigation.

- 8 11. **Samir Shrikar Bangalore, MD and/or**
9 Person Most Knowledgeable
10 Sunrise Hospital
11 3186 South Maryland Parkway
12 Las Vegas, NV 89109

13 The designated person(s) most knowledgeable is expected to testify regarding their
14 knowledge of the allegations contained in the subject Complaint and the facts and
15 circumstances at issue in the instant litigation.

- 16 12. Person Most Knowledgeable
17 State of Nevada
18 Department of Business and Industry
19 Division of Industrial Relations
20 Occupational Safety and Health Administration
21 1301 N. Green Valley Parkway, Suite 200
22 Henderson, NV 89074

23 The designated person(s) most knowledgeable is expected to testify regarding their
24 knowledge of the allegations contained in the subject Complaint and the facts and
25 circumstances at issue in the instant litigation.

- 26 13. Person Most Knowledgeable
27 Nickels & Dimes, Inc.
28 1844 North Preston Road
 Celina, Texas 75009

 The designated person(s) most knowledgeable is expected to testify regarding their
 knowledge of the allegations contained in the subject Complaint and the facts and
 circumstances at issue in the instant litigation.

14. Diane D. Oakley
 Nickels & Dimes, Inc.
 1844 North Preston Road
 Celina, Texas 75009

 Ms. Oakley is expected to testify regarding her knowledge of the allegations contained
 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 15. Kevin Kamphuis
2 Nickels & Dimes, Inc.
3 1844 North Preston Road
4 Celina, Texas 75009

5 Mr. Kamphuis is expected to testify regarding his knowledge of the allegations
6 contained in the subject Complaint and the facts and circumstances at issue in the instant
7 litigation.

8 16. Craig Singer
9 Nickels & Dimes, Inc.
10 1844 North Preston Road
11 Celina, Texas 75009

12 Mr. Singer is expected to testify regarding his knowledge of the allegations contained
13 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14 17. Mark McCain
15 Nickels & Dimes, Inc.
16 Tilt, Katy Mills Mall
17 5000 Katy Mills Circle
18 Katy, Texas 77494

19 Mr. McCain is expected to testify regarding his knowledge of the allegations contained
20 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21 18. Vicky Peek
22 Nickels & Dimes, Inc.
23 Tilt, Katy Mills Mall
24 5000 Katy Mills Circle
25 Katy, Texas 77494

26 Ms. Peek is expected to testify regarding her knowledge of the allegations contained in
27 the subject Complaint and the facts and circumstances at issue in the instant litigation.

28 19. Bangeter Reinhardt
 Nickels & Dimes, Inc.
 Tilt, Plaza Camino Real Mall
 2525 El Camino Real #100
 Carlsbad, California 92008

 Mr. Reinhardt is expected to testify regarding his knowledge of the allegations
 contained in the subject Complaint and the facts and circumstances at issue in the instant
 litigation.

///

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 20. Timo Kuusela, Boulevard Mall Manager
2 c/o Lewis Brisbois Bisgaard & Smith LLP
3 6385 South Rainbow Blvd., Suite 600
4 Las Vegas, NV 89118

5 Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained
6 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7 21. Boulevard Mall Engineers
8 c/o Lewis Brisbois Bisgaard & Smith LLP
9 6385 South Rainbow Blvd., Suite 600
10 Las Vegas, NV 89118

11 The designated engineers are expected to testify regarding their knowledge of the
12 allegations contained in the subject Complaint and the facts and circumstances at issue in the
13 instant litigation.

14 22. Cindy R., Case Manager
15 Sunrise Hospital
16 3186 South Maryland Parkway
17 Las Vegas, NV 89109

18 Cindy is expected to testify regarding her knowledge of the allegations contained in the
19 subject Complaint and the facts and circumstances at issue in the instant litigation.


20 23. Kim Henderson
21 Security Guard, Boulevard Mall
22 c/o Lewis Brisbois Bisgaard & Smith LLP
23 6385 South Rainbow Blvd., Suite 600
24 Las Vegas, NV 89118

25 Ms. Henderson is expected to testify regarding her knowledge of the allegations
26 contained in the subject Complaint and the facts and circumstances at issue in the instant
27 litigation.

28 24. "Dillon," eyewitness to subject event
 Address unknown

 Dillon is expected to testify regarding his knowledge of the allegations contained in the
 subject Complaint and the facts and circumstances at issue in the instant litigation.

 25. Person(s) Most Knowledgeable
 Consolidated Electrical Distributors
 1901 E. University Avenue
 Des Moines, IA 50316

Greenman Goldberg Raby Martinez / 
ACCIDENT INJURY ATTORNEYS

1 The designated person(s) most knowledgeable is expected to testify regarding their
2 knowledge of the allegations contained in the subject Complaint and the facts and
3 circumstances at issue in the instant litigation.

4 26. Person(s) Most Knowledgeable
5 Component Suppliers

6 The designated person(s) most knowledgeable is expected to testify regarding her
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

9 27. Person(s) Most Knowledgeable
10 Component Suppliers

11 The designated person(s) most knowledgeable is expected to testify regarding their
12 knowledge of the allegations contained in the subject Complaint and the facts and
13 circumstances at issue in the instant litigation.

14 28. Sebastian Lara, WESCO Insurance
15 c/o Dubowsky Law Office, Chtd.
16 300 South Fourth Street, Suite 1020
17 Las Vegas, Nevada 89101

18 Mr. Lara is expected to testify regarding his knowledge of the allegations contained in
19 the subject Complaint and the facts and circumstances at issue in the instant litigation.

20 29. James R. Hacker
21 Custard Insurance Adjusters, Inc.
22 3983 East Desert Inn Road
23 Las Vegas, Nevada 89121

24 Mr. Hacker is expected to testify regarding his knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26 30. Russ Toledo
27 Pinnacle Electric
28 4845 W. Reno Avenue
Las Vegas, Nevada 89118

Mr. Toledo is expected to testify regarding his knowledge of the allegations contained
in the subject Complaint and the facts and circumstances at issue in the instant litigation.

31. Unnamed Employee, eyewitness to subject event
Shoe Palace
3576 S Maryland Pkwy, Ste. 120
Las Vegas, Nevada 89169

1 This unnamed employee is expected to testify regarding his knowledge of the
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the
3 instant litigation.

4 32. Unnamed Employee, eyewitness to subject event
5 Cotton On
6 3506 S Maryland Pkwy, Ste. 300
7 Las Vegas, Nevada 89109

8 This unnamed employee is expected to testify regarding his knowledge of the
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the
10 instant litigation.

11 33. Paul Easter
12 5272 W Muriel Dr
13 Glendale, AZ 85308

14 Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his
15 knowledge of the facts and circumstances surround the death of Charles Wyman; her
16 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,
17 friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,
18 and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

19 34. Christine Rhys-Evans
20 PO Box 4433
21 Chino Valley, AZ 86323

22 Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,
25 friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,
26 and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

27 35. Sean Wyman
28 Active Duty Military
c/o Greenman, Goldberg, Raby & Martinez
601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his
knowledge of the facts and circumstances surround the death of Charles Wyman; her
knowledge of Charles Wyman's life, hobbies, interests, and interaction with family,
friends, and colleagues; and the grief, sorrow, loss of support, companionship, society,
and comfort suffered by Plaintiffs Jennifer and Bear Wyman.

///

Mr. Burns is a certified safety and health official and the OSHA representative who investigated the scene. He is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institutions(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

DOCUMENTS

- 9

8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);

9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

II.

DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
TOTALS		\$1,080.31

Past Medical and Funeral Expenses

Amount to be determined

Loss of Wages and Benefits

**\$1,326,589.00 (Based on Expert Report
EX8PRL001-EX8PRL012)**

Total Special Damages

Amount to be determined

Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. General damages for pain, suffering, mental distress, anguish and fear on behalf of CHARLES WYMAN;

2. General damages of Plaintiffs, individually, for grief, sorrow, loss of companionship, society, and comfort and consortium; and

1 3. For such other and further relief as the Court may deem just and proper in the
2 premises on behalf the of CHARLES WYMAN.

3 Plaintiffs reserves all rights to seek other damages including, but not limited to, general
4 and exemplary damages in an amount to be proven at trial.

5 **II.**

6 **INSURANCE**

7 N/A.

8 DATED this 15th day of August, 2017.

9 **GREENMAN GOLDBERG RABY & MARTINEZ**

10 /s/ Dillon G. Coil

11 **GABRIEL A. MARTINEZ, ESQ.**

12 Nevada Bar No. 000326

13 **THOMAS W. ASKEROTH, ESQ.**

14 Nevada Bar No. 011513

15 **DILLON G. COIL, ESQ.**

16 Nevada Bar No. 011541

17 601 South Ninth Street

18 Las Vegas, NV 89101

19 Phone: 702.384.1616 ~ Fax: 702.384.2990

20 Attorneys for Plaintiffs

21 ///

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 15th of August, 2017, the foregoing **PLAINTIFFS' FIRST SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Boulevard Ventures, LLC

Carrie McCrea Hanlon, Esq.
LAW OFFICE OF KENNETH E. GOATES
3993 Howard Hughes Parkway, Suite 270
Las Vegas, Nevada 89169
Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry

David Barron, Esq.
BARRON & PRUITT
3890 West Ann Road
North Las Vegas, NV 89031
Attorneys for Defendants Smart Industries Corporation

/s/ Jade Askeroth

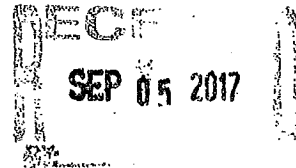
Employee of GREENMAN GOLDBERG RABY &
MARTINEZ

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

Exhibit C:

**Plaintiffs' Second Supplement
to Initial Disclosure Pursuant
to FRCP 26(f)**

1 **GABRIEL A. MARTINEZ, ESQ.**
Nevada Bar No. 000326
2 **THOMAS W. ASKEROTH, ESQ.**
Nevada Bar No. 011513
3 **DILLON G. COIL, ESQ.**
4 Nevada Bar No. 011541
GREENMAN GOLDBERG RABY & MARTINEZ
5 601 South Ninth Street
6 Las Vegas, NV 89101
Phone: 702.384.1616 ~ Fax: 702.384.2990
7 Email: gmartinez@ggrmlawfirm.com
8 taskeroth@ggrmlawfirm.com
9 dcoil@ggrmlawfirm.com
Attorneys for Plaintiffs



10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JENNIFER WYMAN, individually; BEAR
13 WYMAN, a minor, by and through his natural
14 parent JENNIFER WYMAN; JENNIFER
15 WYMAN and VIVIAN SOOF, as Joint
Special Administrators of the ESTATE OF
CHARLES WYMAN;

CASE NO.: 2:16-CV-02378-RFB- GWF

16 Plaintiffs,

17 vs.

18 SMART INDUSTRIES CORPORATION
19 dba SMART INDUSTRIES CORP., MFG.;
20 HI-TECH SECURITY INC;
21 WILLIAM ROSEBERRY;
22 BOULEVARD VENTURES, LLC;
23 SANSONE COMPANIES, LLC;
24 DOES I through V;
and BUSINESS ENTITIES I through V,
inclusive,

**PLAINTIFFS' SECOND SUPPLEMENT
TO INITIAL DISCLOSURE PURSUANT
TO FRCP 26(f)**

25 Defendants.

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

3 **I.**

4 **WITNESSES**

- 5 1. Person Most Knowledgeable
6 Smart Industries Corporation
7 c/o Barron & Pruitt, LLP
8 3890 West Ann Road
9 North Las Vegas, Nevada 89031

10 The designated person(s) most knowledgeable is expected to testify regarding their
11 knowledge of the allegations contained in the subject Complaint and the facts and
12 circumstances at issue in the instant litigation.

- 13 2. Robin Russo
14 Smart Industries Corporation
15 c/o Barron & Pruitt, LLP
16 3890 West Ann Road
17 North Las Vegas, Nevada 89031

18 Ms. Russo is expected to testify regarding her knowledge of the allegations contained
19 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 20 3. Jennifer Wyman
21 c/o Greenman, Goldberg, Raby & Martinez
22 601 South Ninth Street
23 Las Vegas, Nevada 89101

24 Ms Wyman is expected to testify regarding her knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 26 4. Bear Wyman
27 c/o Greenman, Goldberg, Raby & Martinez
28 601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Wyman is expected to testify regarding their knowledge of the allegations
contained in the subject Complaint and the facts and circumstances at issue in the instant
litigation.

///

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

- 1 5. Person Most Knowledgeable
2 Hi-Tech Security Inc.
3 c/o Las Office of Kenneth E. Goates
4 3993 Howard Hughes Parkway, Suite 270
5 Las Vegas, NV 89169

6 The designated person(s) most knowledgeable is expected to testify regarding their
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

- 9 6. William Roseberry
10 c/o Law Office of Kenneth E. Goates
11 3993 Howard Hughes Parkway, Suite 270

12 Mr. Roseberry is expected to testify regarding his knowledge of the allegations
13 contained in the subject Complaint and the facts and circumstances at issue in the instant
14 litigation.

- 15 7. Person Most Knowledgeable
16 Boulevard Ventures, LLC
17 c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
18 6385 South Rainbow Blvd., Suite 600
19 Las Vegas, NV 89118

20 The designated person(s) most knowledgeable is expected to testify regarding their
21 knowledge of the allegations contained in the subject Complaint and the facts and
22 circumstances at issue in the instant litigation.

- 23 8. Person Most Knowledgeable
24 Sansone Companies, LLC
25 C/O LEWIS BRISBOIS BISGAARD & SMITH LLP
26 6385 South Rainbow Blvd., Suite 600
27 Las Vegas, Nevada 89118

28 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

9. Person Most Knowledgeable
 Clark County Coroner/Medical Examiner
 1704 Pinto Lane
 Las Vegas, NV 89106

 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

10. Person Most Knowledgeable
Medic West
9 West Delhi Avenue
North Las Vegas, NV 89032

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

11. Samir Shrikar Bangalore, MD and/or
Person Most Knowledgeable
Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

12. Person Most Knowledgeable
State of Nevada
Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
1301 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

13. Person Most Knowledgeable
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14. Diane D. Oakley
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

Ms. Oakley is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 15. Kevin Kamphuis
2 Nickels & Dimes, Inc.
3 1844 North Preston Road
4 Celina, Texas 75009

5 Mr. Kamphuis is expected to testify regarding his knowledge of the allegations
6 contained in the subject Complaint and the facts and circumstances at issue in the instant
7 litigation.

8 16. Craig Singer
9 Nickels & Dimes, Inc.
10 1844 North Preston Road
11 Celina, Texas 75009

12 Mr. Singer is expected to testify regarding his knowledge of the allegations contained
13 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14 17. Mark McCain
15 Nickels & Dimes, Inc.
16 Tilt, Katy Mills Mall
17 5000 Katy Mills Circle
18 Katy, Texas 77494

19 Mr. McCain is expected to testify regarding his knowledge of the allegations contained
20 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21 18. Vicky Peek
22 Nickels & Dimes, Inc.
23 Tilt, Katy Mills Mall
24 5000 Katy Mills Circle
25 Katy, Texas 77494

26 Ms. Peek is expected to testify regarding her knowledge of the allegations contained in
27 the subject Complaint and the facts and circumstances at issue in the instant litigation.

28 19. Bangeter Reinhardt
 Nickels & Dimes, Inc.
 Tilt, Plaza Camino Real Mall
 2525 El Camino Real #100
 Carlsbad, California 92008

 Mr. Reinhardt is expected to testify regarding his knowledge of the allegations
 contained in the subject Complaint and the facts and circumstances at issue in the instant
 litigation.

///

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 20. Timo Kuusela, Boulevard Mall Manager
2 c/o Lewis Brisbois Bisgaard & Smith LLP
3 6385 South Rainbow Blvd., Suite 600
4 Las Vegas, NV 89118

5 Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained
6 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7 21. Boulevard Mall Engineers
8 c/o Lewis Brisbois Bisgaard & Smith LLP
9 6385 South Rainbow Blvd., Suite 600
10 Las Vegas, NV 89118

11 The designated engineers are expected to testify regarding their knowledge of the
12 allegations contained in the subject Complaint and the facts and circumstances at issue in the
13 instant litigation.

14 22. Cindy R., Case Manager
15 Sunrise Hospital
16 3186 South Maryland Parkway
17 Las Vegas, NV 89109

18 Cindy is expected to testify regarding her knowledge of the allegations contained in the
19 subject Complaint and the facts and circumstances at issue in the instant litigation.

20 23. Kim Henderson
21 Security Guard, Boulevard Mall
22 c/o Lewis Brisbois Bisgaard & Smith LLP
23 6385 South Rainbow Blvd., Suite 600
24 Las Vegas, NV 89118

25 Ms. Henderson is expected to testify regarding her knowledge of the allegations
26 contained in the subject Complaint and the facts and circumstances at issue in the instant
27 litigation.

28 24. "Dillon," eyewitness to subject event
Address unknown

Dillon is expected to testify regarding his knowledge of the allegations contained in the
subject Complaint and the facts and circumstances at issue in the instant litigation.

25 25. Person(s) Most Knowledgeable
26 Consolidated Electrical Distributors
27 1901 E. University Avenue
28 Des Moines, IA 50316

Greenman Goldberg Raby Martinez
ACCIDENT INJURY ATTORNEYS

1 The designated person(s) most knowledgeable is expected to testify regarding their
2 knowledge of the allegations contained in the subject Complaint and the facts and
3 circumstances at issue in the instant litigation.

4 26. Person(s) Most Knowledgeable
5 Component Suppliers

6 The designated person(s) most knowledgeable is expected to testify regarding her
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

9 27. Person(s) Most Knowledgeable
10 Component Suppliers

11 The designated person(s) most knowledgeable is expected to testify regarding their
12 knowledge of the allegations contained in the subject Complaint and the facts and
13 circumstances at issue in the instant litigation.

14 28. Sebastian Lara, WESCO Insurance
15 c/o Dubowsky Law Office, Chtd.
16 300 South Fourth Street, Suite 1020
17 Las Vegas, Nevada 89101

18 Mr. Lara is expected to testify regarding his knowledge of the allegations contained in
19 the subject Complaint and the facts and circumstances at issue in the instant litigation.

20 29. James R. Hacker
21 Custard Insurance Adjusters, Inc.
22 3983 East Desert Inn Road
23 Las Vegas, Nevada 89121

24 Mr. Hacker is expected to testify regarding his knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26 30. Russ Toledo
27 Pinnacle Electric
28 4845 W. Reno Avenue
29 Las Vegas, Nevada 89118

30 Mr. Toledo is expected to testify regarding his knowledge of the allegations contained
31 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

32 31. Unnamed Employee, eyewitness to subject event
33 Shoe Palace
34 3576 S Maryland Pkwy, Ste. 120
35 Las Vegas, Nevada 89169

1 This unnamed employee is expected to testify regarding his knowledge of the
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the
3 instant litigation.

4 32. Unnamed Employee, eyewitness to subject event
5 Cotton On
6 3506 S Maryland Pkwy, Ste. 300
7 Las Vegas, Nevada 89109

8 This unnamed employee is expected to testify regarding his knowledge of the
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the
10 instant litigation.

11 33. Paul Easter
12 5272 W Muriel Dr
13 Glendale, AZ 85308

14 Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of
15 the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles
16 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the
17 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs
18 Jennifer and Bear Wyman.

19 34. Christine Rhys-Evans
20 PO Box 4433
21 Chino Valley, AZ 86323

22 Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family, friends,
25 and colleagues; and the grief, sorrow, loss of support, companionship, society, and comfort
26 suffered by Plaintiffs Jennifer and Bear Wyman.

27 35. Sean Wyman
28 Active Duty Military
c/o Greenman, Goldberg, Raby & Martinez
601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of
the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles
Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the
grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs
Jennifer and Bear Wyman.

///

36. Jason Burns, CSHO #R7073
 OSHA
 1301 N. Green Valley Parkway #200
 Henderson, NV 89074

Mr. Burns is a certified safety and health official and the OSHA representative who investigated the scene. He is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institutions(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

DOCUMENTS

1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);
2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped 2DSI001-2DSI007);
3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court (Bates Stamped 3DHTFC001-3DHTFC008);
4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court (Bates Stamped 4DHTDC001-4DHTDC008);
5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);
6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);
7. OSHA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);

Greenman Goldberg Raby Martinez / ACCIDENT INJURY ATTORNEYS

8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);
10. Photographs of Charles Wyman and Family (Bates Stamped 10PCW001-10PCW210);

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

II. DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
TOTALS		\$1,080.31

Past Medical and Funeral Expenses	Amount to be determined
Loss of Wages and Benefits	\$1,326,589.00 (Based on Expert Report EX8PRL001-EX8PRL012)
Total Special Damages	Amount to be determined

Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. General damages for pain, suffering, mental distress, anguish and fear on behalf of CHARLES WYMAN;

2. General damages of Plaintiffs, individually, for grief, sorrow, loss of companionship, society, and comfort and consortium; and

3. For such other and further relief as the Court may deem just and proper in the premises on behalf the of CHARLES WYMAN.

Plaintiffs reserves all rights to seek other damages including, but not limited to, general and exemplary damages in an amount to be proven at trial.

II.

INSURANCE

N/A.

DATED this 30th day of August, 2017.

GREENMAN GOLDBERG RABY & MARTINEZ

/s/ Dillon G. Coil

GABRIEL A. MARTINEZ, ESQ.

Nevada Bar No. 000326

THOMAS W. ASKEROTH, ESQ.

Nevada Bar No. 011513

DILLON G. COIL, ESQ.

Nevada Bar No. 011541

601 South Ninth Street

Las Vegas, NV 89101

Phone: 702.384.1616 ~ Fax: 702.384.2990

Attorneys for Plaintiffs

///

Greenman Goldberg Raby Martinez / *ACCIDENT INJURY ATTORNEYS*

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 30th of August, 2017, the foregoing **PLAINTIFFS' SECOND SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Boulevard Ventures, LLC

Carrie McCrea Hanlon, Esq.
LAW OFFICE OF KENNETH E. GOATES
3993 Howard Hughes Parkway, Suite 270
Las Vegas, Nevada 89169
Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry

David Barron, Esq.
BARRON & PRUITT
3890 West Ann Road
North Las Vegas, NV 89031
Attorneys for Defendants Smart Industries Corporation

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY &
MARTINEZ

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

Exhibit D:

**Plaintiffs' Third Supplement to
Initial Disclosure Pursuant to
FRCP 26(f)**

Greenman Goldberg Raby Martinez /
ACCIDENT INJURY ATTORNEYS

1 **GABRIEL A. MARTINEZ, ESQ.**
Nevada Bar No. 000326
2 **THOMAS W. ASKEROTH, ESQ.**
Nevada Bar No. 011513
3 **DILLON G. COIL, ESQ.**
Nevada Bar No. 011541
4 **GREENMAN GOLDBERG RABY & MARTINEZ**
601 South Ninth Street
5 Las Vegas, NV 89101
Phone: 702.384.1616 ~ Fax: 702.384.2990
6 Email: gmartinez@ggrmlawfirm.com
7 taskerorth@ggrmlawfirm.com
8 dcoil@ggrmlawfirm.com
9 *Attorneys for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 JENNIFER WYMAN, individually; BEAR
13 WYMAN, a minor, by and through his natural
14 parent JENNIFER WYMAN; JENNIFER
15 WYMAN and VIVIAN SOOF, as Joint
Special Administrators of the ESTATE OF
CHARLES WYMAN;

16 Plaintiffs,

17 vs.

18 SMART INDUSTRIES CORPORATION
19 dba SMART INDUSTRIES CORP., MFG.;
20 HI-TECH SECURITY INC;
21 WILLIAM ROSEBERRY;
22 BOULEVARD VENTURES, LLC;
23 SANSONE COMPANIES, LLC;
24 DOES I through V;
and BUSINESS ENTITIES I through V,
inclusive,

25 Defendants.

CASE NO.: 2:16-CV-02378-RFB- GWF

**PLAINTIFFS' THIRD SUPPLEMENT
TO INITIAL DISCLOSURE PURSUANT
TO FRCP 26(f)**

26 COMES NOW, JENNIFER WYMAN, individually; BEAR WYMAN, by and through
27 his natural parent JENNIFER WYMAN; and JENNIFER WYMAN and VIVIAN SOOF, as
28 Joint Special Administrators of the ESTATE OF CHARLES WYMAN by and through their

1 attorneys of record, GREENMAN, GOLDBERG, RABY & MARTINEZ, hereby supplements their
2 Initial Disclosures pursuant to FRCP 26(f), as follows. **NEW INFORMATION IN BOLD**

3 **I.**

4 **WITNESSES**

- 5 1. Person Most Knowledgeable
6 Smart Industries Corporation
7 c/o Barron & Pruitt, LLP
8 3890 West Ann Road
9 North Las Vegas, Nevada 89031

10 The designated person(s) most knowledgeable is expected to testify regarding their
11 knowledge of the allegations contained in the subject Complaint and the facts and
12 circumstances at issue in the instant litigation.

- 13 2. Robin Russo
14 Smart Industries Corporation
15 c/o Barron & Pruitt, LLP
16 3890 West Ann Road
17 North Las Vegas, Nevada 89031

18 Ms. Russo is expected to testify regarding her knowledge of the allegations contained
19 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 20 3. Jennifer Wyman
21 c/o Greenman, Goldberg, Raby & Martinez
22 601 South Ninth Street
23 Las Vegas, Nevada 89101

24 Ms Wyman is expected to testify regarding her knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

- 26 4. Bear Wyman
27 c/o Greenman, Goldberg, Raby & Martinez
28 601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Wyman is expected to testify regarding their knowledge of the allegations
contained in the subject Complaint and the facts and circumstances at issue in the instant
litigation.

///

Greenman Goldberg Raby Martinez
ATTORNEYS

- 1 5. Person Most Knowledgeable
2 Hi-Tech Security Inc.
3 c/o Las Office of Kenneth E. Goates
4 3993 Howard Hughes Parkway, Suite 270
5 Las Vegas, NV 89169

6 The designated person(s) most knowledgeable is expected to testify regarding their
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

- 9 6. William Roseberry
10 c/o Law Office of Kenneth E. Goates
11 3993 Howard Hughes Parkway, Suite 270

12 Mr. Roseberry is expected to testify regarding his knowledge of the allegations
13 contained in the subject Complaint and the facts and circumstances at issue in the instant
14 litigation.

- 15 7. Person Most Knowledgeable
16 Boulevard Ventures, LLC
17 c/o LEWIS BRISBOIS BISGAARD & SMITH LLP
18 6385 South Rainbow Blvd., Suite 600
19 Las Vegas, NV 89118

20 The designated person(s) most knowledgeable is expected to testify regarding their
21 knowledge of the allegations contained in the subject Complaint and the facts and
22 circumstances at issue in the instant litigation.

- 23 8. Person Most Knowledgeable
24 Sansone Companies, LLC
25 C/O LEWIS BRISBOIS BISGAARD & SMITH LLP
26 6385 South Rainbow Blvd., Suite 600
27 Las Vegas, Nevada 89118

28 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

9. Person Most Knowledgeable
 Clark County Coroner/Medical Examiner
 1704 Pinto Lane
 Las Vegas, NV 89106

 The designated person(s) most knowledgeable is expected to testify regarding their
knowledge of the allegations contained in the subject Complaint and the facts and
circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez
ACCOUNTANT ATTORNEYS

10. Person Most Knowledgeable
Medic West
9 West Delhi Avenue
North Las Vegas, NV 89032

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

11. Samir Shrikar Bangalore, MD and/or
Person Most Knowledgeable
Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, NV 89109

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

12. Person Most Knowledgeable
State of Nevada
Department of Business and Industry
Division of Industrial Relations
Occupational Safety and Health Administration
1301 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

13. Person Most Knowledgeable
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

The designated person(s) most knowledgeable is expected to testify regarding their knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14. Diane D. Oakley
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, Texas 75009

Ms. Oakley is expected to testify regarding her knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Greenman Goldberg Raby Martinez & Associates
ATTORNEYS

1 15. Kevin Kamphuis
2 Nickels & Dimes, Inc.
3 1844 North Preston Road
4 Celina, Texas 75009

5 Mr. Kamphuis is expected to testify regarding his knowledge of the allegations
6 contained in the subject Complaint and the facts and circumstances at issue in the instant
7 litigation.

8 16. Craig Singer
9 Nickels & Dimes, Inc.
10 1844 North Preston Road
11 Celina, Texas 75009

12 Mr. Singer is expected to testify regarding his knowledge of the allegations contained
13 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

14 17. Mark McCain
15 Nickels & Dimes, Inc.
16 Tilt, Katy Mills Mall
17 5000 Katy Mills Circle
18 Katy, Texas 77494

19 Mr. McCain is expected to testify regarding his knowledge of the allegations contained
20 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

21 18. Vicky Peek
22 Nickels & Dimes, Inc.
23 Tilt, Katy Mills Mall
24 5000 Katy Mills Circle
25 Katy, Texas 77494

26 Ms. Peek is expected to testify regarding her knowledge of the allegations contained in
27 the subject Complaint and the facts and circumstances at issue in the instant litigation.

28 19. Bangeter Reinhardt
 Nickels & Dimes, Inc.
 Tilt, Plaza Camino Real Mall
 2525 El Camino Real #100
 Carlsbad, California 92008

 Mr. Reinhardt is expected to testify regarding his knowledge of the allegations
 contained in the subject Complaint and the facts and circumstances at issue in the instant
 litigation.

///

Greenman Goldberg Raby Martinez
ACCOUNT MANAGERS

1 20. Timo Kuusela, Boulevard Mall Manager
2 c/o Lewis Brisbois Bisgaard & Smith LLP
3 6385 South Rainbow Blvd., Suite 600
4 Las Vegas, NV 89118

5 Mr. Kuusela is expected to testify regarding his knowledge of the allegations contained
6 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

7 21. Boulevard Mall Engineers
8 c/o Lewis Brisbois Bisgaard & Smith LLP
9 6385 South Rainbow Blvd., Suite 600
10 Las Vegas, NV 89118

11 The designated engineers are expected to testify regarding their knowledge of the
12 allegations contained in the subject Complaint and the facts and circumstances at issue in the
13 instant litigation.

14 22. Cindy R., Case Manager
15 Sunrise Hospital
16 3186 South Maryland Parkway
17 Las Vegas, NV 89109

18 Cindy is expected to testify regarding her knowledge of the allegations contained in the
19 subject Complaint and the facts and circumstances at issue in the instant litigation.

20 23. Kim Henderson
21 Security Guard, Boulevard Mall
22 c/o Lewis Brisbois Bisgaard & Smith LLP
23 6385 South Rainbow Blvd., Suite 600
24 Las Vegas, NV 89118

25 Ms. Henderson is expected to testify regarding her knowledge of the allegations
26 contained in the subject Complaint and the facts and circumstances at issue in the instant
27 litigation.

28 24. "Dillon," eyewitness to subject event
Address unknown

Dillon is expected to testify regarding his knowledge of the allegations contained in the
subject Complaint and the facts and circumstances at issue in the instant litigation.

25. Person(s) Most Knowledgeable
Consolidated Electrical Distributors
1901 E. University Avenue
Des Moines, IA 50316

Greenman Goldberg Raby Martinez &...
ACCIDENT INVESTIGATORS

1 The designated person(s) most knowledgeable is expected to testify regarding their
2 knowledge of the allegations contained in the subject Complaint and the facts and
3 circumstances at issue in the instant litigation.

4 26. Person(s) Most Knowledgeable
5 Component Suppliers

6 The designated person(s) most knowledgeable is expected to testify regarding her
7 knowledge of the allegations contained in the subject Complaint and the facts and
8 circumstances at issue in the instant litigation.

9 27. Person(s) Most Knowledgeable
10 Component Suppliers

11 The designated person(s) most knowledgeable is expected to testify regarding their
12 knowledge of the allegations contained in the subject Complaint and the facts and
13 circumstances at issue in the instant litigation.

14 28. Sebastian Lara, WESCO Insurance
15 c/o Dubowsky Law Office, Chtd.
16 300 South Fourth Street, Suite 1020
17 Las Vegas, Nevada 89101

18 Mr. Lara is expected to testify regarding his knowledge of the allegations contained in
19 the subject Complaint and the facts and circumstances at issue in the instant litigation.

20 29. James R. Hacker
21 Custard Insurance Adjusters, Inc.
22 3983 East Desert Inn Road
23 Las Vegas, Nevada 89121

24 Mr. Hacker is expected to testify regarding his knowledge of the allegations contained
25 in the subject Complaint and the facts and circumstances at issue in the instant litigation.

26 30. Russ Toledo
27 Pinnacle Electric
28 4845 W. Reno Avenue
Las Vegas, Nevada 89118

Mr. Toledo is expected to testify regarding his knowledge of the allegations contained
in the subject Complaint and the facts and circumstances at issue in the instant litigation.

31. Unnamed Employee, eyewitness to subject event
Shoe Palace
3576 S Maryland Pkwy, Ste. 120
Las Vegas, Nevada 89169

1 This unnamed employee is expected to testify regarding his knowledge of the
2 allegations contained in the subject Complaint and the facts and circumstances at issue in the
3 instant litigation.

4 32. Unnamed Employee, eyewitness to subject event
5 Cotton On
6 3506 S Maryland Pkwy, Ste. 300
7 Las Vegas, Nevada 89109

8 This unnamed employee is expected to testify regarding his knowledge of the
9 allegations contained in the subject Complaint and the facts and circumstances at issue in the
10 instant litigation.

11 33. Paul Easter
12 5272 W Muriel Dr
13 Glendale, AZ 85308

14 Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of
15 the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles
16 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the
17 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs
18 Jennifer and Bear Wyman.

19 34. Christine Rhys-Evans
20 PO Box 4433
21 Chino Valley, AZ 86323

22 Ms. Rhys-Evans is an acquaintance of Plaintiffs and may testify regarding her
23 knowledge of the facts and circumstances surround the death of Charles Wyman; her
24 knowledge of Charles Wyman's life, hobbies, interests, and interaction with family, friends,
25 and colleagues; and the grief, sorrow, loss of support, companionship, society, and comfort
26 suffered by Plaintiffs Jennifer and Bear Wyman.

27 35. Sean Wyman
28 Active Duty Military
c/o Greenman, Goldberg, Raby & Martinez
601 South Ninth Street
Las Vegas, Nevada 89101

Mr. Easter is an acquaintance of Plaintiffs and may testify regarding his knowledge of
the facts and circumstances surround the death of Charles Wyman; her knowledge of Charles
Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues; and the
grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs
Jennifer and Bear Wyman.

///

36. Jason Burns, CSHO #R7073
 OSHA
 1301 N. Green Valley Parkway #200
 Henderson, NV 89074

Mr. Burns is a certified safety and health official and the OSHA representative who investigated the scene. He is expected to testify regarding his knowledge of the allegations contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

Plaintiffs anticipate that they may require testimony from any and all custodians of records, which are necessary to authenticate documents, which cannot be stipulated to regarding admissibility by the parties herein.

Plaintiffs reserve the right to call any and all expert witnesses which Plaintiffs may hereafter select as the need arises during the course of this litigation; and Plaintiffs further reserve the right to supplement this witness list if any other witnesses become known to Plaintiffs as this litigation progresses and as other witnesses are discovered or located.

Plaintiffs reserve the right to all rebuttal and/or impeachment witnesses; to call the records custodian for any person(s) or institutions(s) to which there is an objection concerning authenticity; and call any and all witnesses of any other party in this matter.

II.

DOCUMENTS

1. Plaintiffs' Complaint in District Court (Bates Stamped 1PCO001-1PCO021);
2. Defendant Smart Industries Corporation's Answer in Federal Court (Bates Stamped 2DSI001-2DSI007);
3. Defendant Hi-Tech Security Inc and William Roseberry's Answer in Federal Court (Bates Stamped 3DHTFC001-3DHTFC008);
4. Defendant Hi-Tech Security Inc and William Roseberry's Answer in District Court (Bates Stamped 4DHTDC001-4DHTDC008);
5. Sansone Companies Incident Report (Bates Stamped 5SCI001-5SCI004);
6. Employers Report of Industrial Injury (Bates Stamped 6ERI001);
7. OSHA Inspection Report with Pictures (Bates Stamped 7OIR001-7OIR078);

8. Death Certificate of Charles Wyman (Bates Stamped 8DCC001);
9. Photos of Smart Bus Crane (Bates Stamped 9PSB001-PSB005);
10. Photographs of Charles Wyman and Family (Bates Stamped 10PCW001-10PCW210);
- 11. Video of Charles Wyman and Family (Attached DVD);**

Plaintiffs reserve the right to submit as an exhibit any document or tangible item identified by any other party in this action or obtained from any third party. Plaintiffs further reserve the right to amend and/or supplement this list of documents or tangible items as discovery proceeds.

In addition, neither inclusion of any documents or tangible items within this disclosure nor acceptance of documents provided by any other party hereto in a disclosure shall be deemed as a waiver by Plaintiffs of any evidentiary rights Plaintiffs may have with respect to those documents and/or tangible items, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other rights as may be permitted pursuant to the Nevada Rules of Evidence.

II. DAMAGES

MEDICAL PROVIDER	DATES OF SERVICE	TOTAL CHARGES
Medic West Ambulance	9/29/2015;	\$1,080.31
Sunrise Hospital & Medical Center		TBD
TOTALS		\$1,080.31

Past Medical and Funeral Expenses	Amount to be determined
Loss of Wages and Benefits	\$1,326,589.00 (Based on Expert Report EX8PRL001-EX8PRL012)

Total Special Damages	Amount to be determined
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Further, at trial, the Jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. General damages for pain, suffering, mental distress, anguish and fear on behalf

1 of CHARLES WYMAN;

2 2. General damages of Plaintiffs, individually, for grief, sorrow, loss of
3 companionship, society, and comfort and consortium; and

4 3. For such other and further relief as the Court may deem just and proper in the
5 premises on behalf the of CHARLES WYMAN.

6 Plaintiffs reserves all rights to seek other damages including, but not limited to, general
7 and exemplary damages in an amount to be proven at trial.

8 **II.**

9 **INSURANCE**

10 N/A.

11 DATED this 2nd day of October, 2017.

12 **GREENMAN GOLDBERG RABY & MARTINEZ**

13 /s/ Dillon G. Coil

14 **GABRIEL A. MARTINEZ, ESQ.**

15 Nevada Bar No. 000326

16 **THOMAS W. ASKEROTH, ESQ.**

17 Nevada Bar No. 011513

18 **DILLON G. COIL, ESQ.**

19 Nevada Bar No. 011541

20 601 South Ninth Street

21 Las Vegas, NV 89101

22 Phone: 702.384.1616 ~ Fax: 702.384.2990

23 *Attorneys for Plaintiffs*

24 ///

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on the 2nd of October, 2017, the foregoing **PLAINTIFFS' THIRD SUPPLEMENT TO INITIAL DISCLOSURE PURSUANT TO FRCP 26(f)** was served via USPS to the following:

Paul A. Shpirt, Esq.
LEWIS BRISBOIS BISGAARD & SMITH LLP
6385 South Rainbow Blvd., Suite 600
Las Vegas, Nevada 89118
Attorneys for Defendant Boulevard Ventures, LLC

Carrie McCrea Hanlon, Esq.
LAW OFFICE OF KENNETH E. GOATES
3993 Howard Hughes Parkway, Suite 270
Las Vegas, Nevada 89169
Attorneys for Defendants Hi-Tech Security, Inc. and William Roseberry

David Barron, Esq.
BARRON & PRUITT
3890 West Ann Road
North Las Vegas, NV 89031
Attorneys for Defendants Smart Industries Corporation

/s/ Jade Askeroth

Employee of GREENMAN GOLDBERG RABY &
MARTINEZ

Greenman Goldberg Raby Martinez & Associates
ATTORNEYS AT LAW

Exhibit E:

**Plaintiffs' Fourth Supplement
to Initial Disclosure Pursuant
to FRCP 26(f)**

EGLET ADAMS

1 ROBERT T. EGLET, ESQ.

2 Nevada Bar No. 3402

3 TRACY A. EGLET, ESQ.

4 Nevada Bar No. 6419

5 ROBERT M. ADAMS, ESQ.

6 Nevada Bar No. 6551

7 **EGLET ADAMS**

8 400 S. 7th Street, 4th Floor

9 Las Vegas, Nevada 89101

10 E-Mail: eservice@egletlaw.com

11 T: 702.450.5400

12 F: 702.450.5451

13 -and-

14 GABRIEL A. MARTINEZ, ESQ.

15 Nevada Bar No. 326

16 DILLON G. COIL, ESQ.

17 Nevada Bar No. 11541

18 **GREENMAN GOLDBERG RABY & MARTINEZ**

19 601 S. Ninth Street

20 Las Vegas, NV 89101

21 E-Mail: gmartinez@ggrmlawfirm.com

22 E-Mail: dcoil@ggrmlawfirm.com

23 T: 702.384.1616

24 F: 702.384.2990

25 *Attorneys for Plaintiffs*

26 *JENNIFER WYMAN and BEAR WYMAN*

27 **UNITED STATES DISTRICT COURT**

28 **DISTRICT OF NEVADA**

29 JENNIFER WYMAN, individually; BEAR
30 WYMAN, a minor, by and through his natural
31 parent JENNIFER WYMAN; JENNIFER
32 WYMAN and VIVIAN SOOF, as Joint
33 Special Administrators of the ESTATE OF
34 CHARLES WYMAN;

35 Plaintiffs,

36 vs.

37 SMART INDUSTRIES CORPORATION
38 dba SMART INDUSTRIES CORP., MFG.;
39 HI-TECH SECURITY INC;
40 WILLIAM ROSEBERRY;
41 BOULEVARD VENTURES, LLC;
42 SANSONE COMPANIES, LLC;

CASE NO.: 2:16-cv-01206-JCM-GWF

**PLAINTIFFS' FOURTH
DISCLOSURE OF DOCUMENTS
AND WITNESSES PURSUANT TO
FRCP 26(a)(1)**

EGLET ADAMS

DOES I through V;
and BUSINESS ENTITIES I through V,
inclusive,

Defendants.

AND ALL OTHER RELATED CASES.

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL HEREIN:

Plaintiffs, by and through their counsel of record, hereby produce (or will produce where indicated) the identity of trial witnesses who may be called to testify at the trial of this matter, documents, and tangible things which may be introduced into evidence.

I.

WITNESSES

Pursuant to FRCP 26(a)(1)(A)(i), Plaintiffs hereby disclose “[t]he name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b).” Regarding medical providers, Plaintiffs have attempted to list every treating physician and nurse who saw Plaintiff ALEXANDER “SASHA” RIES at the named facilities, but refers Defendants to the medical records and incorporates those names herein in case of any inadvertent oversight.

1. Person(s) Most Knowledgeable **and/or Custodian of Records**
Smart Industries Corporation
c/o BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89131

Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

2. Robin Russo
Smart Industries Corporation
c/o BARRON & PRUITT, LLP
3890 West Ann Road
North Las Vegas, Nevada 89131

Defendant is expected to testify as to their knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

3. Jennifer Wyman
c/o **Eglet Adams**
400 S. Seventh St., Suite 400
Las Vegas, Nevada 89101
(702) 450-4550
And
c/o GREENMAN, GOLDBERG, RABY & MARTINEZ
601 South Ninth Street
Las Vegas, NV 89101

Plaintiff is anticipated to testify regarding the facts and circumstances of the incident, as well as the damages caused by the incident. Damages include the injuries that Plaintiff sustained as well as the past medical treatment that Decedent CHARLES WYMAN has had. Plaintiff will also testify regarding her pain, suffering and loss of enjoyment of life. Moreover, Plaintiff will testify with regard to loss of earning capacity as well as loss of household services (if any).

4. Bear Wyman
c/o **Eglet Adams**
400 S. Seventh St., Suite 400
Las Vegas, Nevada 89101
(702) 450-4550
And
c/o GREENMAN, GOLDBERG, RABY & MARTINEZ
601 South Ninth Street
Las Vegas, NV 89101

Plaintiff is anticipated to testify regarding the facts and circumstances of the incident, as well as the damages caused by the incident. Damages include the injuries that Plaintiff sustained as well as the past medical treatment that Decedent CHARLES

EGLET ADAMS

1 WYMAN has had. Plaintiff will also testify regarding his pain, suffering and loss of
2 enjoyment of life. Moreover, Plaintiff will testify with regard to loss of earning capacity as
3 well as loss of household services (if any).
4

5 5. Person(s) Most Knowledgeable and/or
6 **Custodian of Records**
7 Hi-Tech Security, Inc.
8 c/o HALL, JAFFE & CLAYTON, LLP
9 7425 Peak Drive
10 Las Vegas, NV 89128

11 Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of
12 the allegations contained in the subject Complaint and the facts and circumstances surrounding
13 the subject incident.
14

15 6. William Roseberry
16 c/o HALL, JAFFE & CLAYTON, LLP
17 7425 Peak Drive
18 Las Vegas, NV 89128

19 Defendant is expected to testify as to their knowledge of the allegations contained in the
20 subject Complaint and the facts and circumstances surrounding the subject incident.
21

22 7. Person(s) Most Knowledgeable and/or
23 **Custodian of Records**
24 Boulevard Ventures, LLC
25 c/o LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
26 6385 South Rainbow Blvd., Suite 600
27 Las Vegas, NV 89118

28 Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of
the allegations contained in the subject Complaint and the facts and circumstances surrounding
the subject incident.

///

///

///

EGLET ADAMS

- 1 8. Person(s) Most Knowledgeable **and/or**
2 **Custodian of Records**
3 Sansone Companies, LLC
4 c/o LEWIS, BRISBOIS, BISGAARD & SMITH, LLP
5 6385 South Rainbow Blvd., Suite 600
6 Las Vegas, NV 89118

7 Defendant/person(s) most knowledgeable is expected to testify as to their knowledge of
8 the allegations contained in the subject Complaint and the facts and circumstances surrounding
9 the subject incident.

- 10 9. Person(s) Most Knowledgeable **and/or**
11 **Custodian of Records**
12 Clark County Coroner/Medical Examiner
13 **Lisa Gavin, M.D.**
14 1704 Pinto Lane
15 Las Vegas, NV 89106

16 These witnesses are expected to give expert opinions in accordance with FRCP
17 26(a)(2)(C) in relation to their examination of Decedent CHARLES WYMAN and of the
18 injuries sustained by Decedent and the cause of his injuries, diagnoses as reflected in his
19 medical records, the necessity and reasonableness of the treatment rendered, and the
20 causation of the necessity for past medical treatment, caused by the incident. They will also
21 discuss all opinions set forth in their records, reports, and depositions.

- 22 10. Person(s) Most Knowledgeable **and/or**
23 **Custodian of Records**
24 Department of Business and Industry
25 Division of Industrial Relations
26 Occupational Safety and Health Administration
27 1301 N. Green Valley Parkway, Suite 200
28 Henderson, NV 89074

 This witness is expected to testify as to their knowledge of the allegations contained in
the subject Complaint and the facts and circumstances surrounding the subject incident.

///

EGLET ADAMS

11. Person(s) Most Knowledgeable and/or
Custodian of Records
Nickels & Dimes, Inc.
c/o WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER, LLP
300 S. Fourth St., 11th Floor
Las Vegas, NV 89101

This witness is expected to testify as to their knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

12. Diane D. Oakley
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, TX 75009

This witness is expected to testify as to her knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

13. Kevin Kamphuis
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, TX 75009

This witness is expected to testify as to his knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

14. Craig Singer
Nickels & Dimes, Inc.
1844 North Preston Road
Celina, TX 75009

This witness is expected to testify as to his knowledge of the allegations contained in the subject Complaint and the facts and circumstances surrounding the subject incident.

15. Mark McCain
Nickels & Dimes, Inc.
Tilt, Katy Mills Mall
5000 Katy Mills Circle
Katy, TX 77494

EGLET ADAMS

1 This witness is expected to testify as to his knowledge of the allegations contained in the
2 subject Complaint and the facts and circumstances surrounding the subject incident.

3 16. Vicky Peek
4 Nickels & Dimes, Inc.
5 Tilt, Katy Mills Mall
6 5000 Katy Mills Circle
7 Katy, TX 77494

8 This witness is expected to testify as to her knowledge of the allegations contained in the
9 subject Complaint and the facts and circumstances surrounding the subject incident.

10 17. Bangeter Reinhardt
11 Nickels & Dimes, Inc.
12 Tilt, Plaza Camino Real Mall
13 2525 El Camino Real #100
14 Carlsbad, CA 92008

15 This witness is expected to testify as to his/her knowledge of the allegations contained in
16 the subject Complaint and the facts and circumstances surrounding the subject incident.

17 18. Timo Kuusela, Boulevard Mall Manager
18 c/o Lewis, Brisbois, Bisgaard & Smith, LLP
19 6385 South Rainbow Blvd., Suite 600
20 Las Vegas, NV 89118

21 This witness is expected to testify as to his/her knowledge of the allegations contained in
22 the subject Complaint and the facts and circumstances surrounding the subject incident.

23 19. Boulevard Mall Engineers
24 c/o Lewis, Brisbois, Bisgaard & Smith, LLP
25 6385 South Rainbow Blvd., Suite 600
26 Las Vegas, NV 89118

27 These witnesses are expected to testify as to their knowledge of the allegations contained
28 in the subject Complaint and the facts and circumstances surrounding the subject incident.

29 20. Cindy R., Case Manager
30 Sunrise Hospital
31 3186 South Maryland Parkway
32 Las Vegas, NV 89109

EGLET ADAMS

1 This witness is expected to testify as to her knowledge of the allegations contained in the
2 subject Complaint and the facts and circumstances surrounding the subject incident.

3 21. Kim Henderson
4 Security Gard, Boulevard Mall
5 c/o Lewis, Brisbois, Bisgaard & Smith, LLP
6 6385 South Rainbow Blvd., Suite 600
7 Las Vegas, NV 89118

8 This witness is expected to testify as to his/her knowledge of the allegations contained in
9 the subject Complaint and the facts and circumstances surrounding the subject incident.

10 22. "Dillon, " eyewitness to subject incident
11 Address unknown

12 This witness is expected to testify as to his knowledge of the allegations contained in the
13 subject Complaint and the facts and circumstances surrounding the subject incident.

14 23. Person(s) Most Knowledgeable **and/or**
15 **Custodian of Records**
16 Consolidated Electrical Distributors
17 c/o Lewis, Brisbois, Bisgaard & Smith, LLP
18 1901 E. University Avenue
19 Des Moines, IA 50316

20 This witness is expected to testify as to their knowledge of the allegations contained in the
21 subject Complaint and the facts and circumstances surrounding the subject incident.

22 24. Person(s) Most Knowledgeable **and/or**
23 **Custodian of Records**
24 Component Suppliers

25 This witness is expected to testify as to their knowledge of the allegations contained in the
26 subject Complaint and the facts and circumstances surrounding the subject incident.

27 25. Sebastian Lara, WESCO Insurance
28 c/o Dubowsky Law Office, Chtd.
300 South Fourth Street, Suite 1020
Las Vegas, NV 89101

This witness is expected to testify as to his knowledge of the allegations contained in the
subject Complaint and the facts and circumstances surrounding the subject incident.

EGLET ADAMS

1 26. James R. Hacker
2 Custard Insurance Adjusters, Inc.
3 3983 East Desert Inn Road
4 Las Vegas, NV 89121

5 This witness is expected to testify as to his knowledge of the allegations contained in the
6 subject Complaint and the facts and circumstances surrounding the subject incident.

7 27. Russ Toledo
8 Pinnacle Electric
9 4845 W. Reno Avenue
10 Las Vegas, NV 89118

11 This witness is expected to testify as to his knowledge of the allegations contained in the
12 subject Complaint and the facts and circumstances surrounding the subject incident.

13 28. Unnamed Employee, eyewitness to subject event
14 Shoe Palace
15 3576 S. Maryland Parkway, Suite 120
16 Las Vegas, NV 89169

17 This witness is expected to testify as to his/her knowledge of the allegations contained in
18 the subject Complaint and the facts and circumstances surrounding the subject incident.

19 29. Unnamed Employee, eyewitness to subject event
20 Cotton On
21 3506 S. Maryland Pkwy., Suite 300
22 Las Vegas, NV 89109

23 This witness is expected to testify as to his/her knowledge of the allegations contained in
24 the subject Complaint and the facts and circumstances surrounding the subject incident.

25 30. Paul Easter
26 5272 W. Muriel Drive
27 Glendale, AZ. 85306

28 This witness is an acquaintance of Plaintiffs and may testify regarding his knowledge of
the facts and circumstances surrounding the death of Charles Wyman, his knowledge of Charles
Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the
grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

EGLET ADAMS

1 31. Christine Rhys-Evans
2 P.O. Box 4433
3 Chino Valley, AZ 86323

4 This witness is an acquaintance of Plaintiffs and may testify regarding her knowledge of
5 the facts and circumstances surrounding the death of Charles Wyman, her knowledge of Charles
6 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the
7 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

8 32. Sean Wyman
9 Active Duty Military
10 c/o Greenman, Goldberg, Raby & Martinez
11 601 South Ninth Street
12 Las Vegas, NV 89101

13 This witness is an acquaintance of Plaintiffs and may testify regarding his knowledge of
14 the facts and circumstances surrounding the death of Charles Wyman, his knowledge of Charles
15 Wyman's life, hobbies, interests, and interaction with family, friends, and colleagues, and the
16 grief, sorrow, loss of support, companionship, society, and comfort suffered by Plaintiffs.

17 33. Jason Burns, CSHO #R7073
18 OSHA
19 1301 N. Green Valley Parkway, #200
20 Henderson, NV 89074

21 This witness is a certified safety and health official and the OSHA representative who
22 investigate the scene. He is expected to testify regarding his knowledge of the allegations
23 contained in the subject Complaint and the facts and circumstances at issue in the instant litigation.

24 34. Sara Rodriguez
25 As Parent and Guardian of Jacob Wyman
26 c/o CLIFF W. MARCEK, P.C.
27 536 E. St. Louis Ave.
28 Las Vegas, NV 89104
and
c/o HOLLORAN, SCHWARTZ & GAERTNER, LLP
9200 Litzsinger Road
St. Louis, MO 63144

Plaintiff is anticipated to testify regarding the facts and circumstances of the

1 incident, as well as the damages caused by the incident. Damages include the injuries that
 2 Plaintiff sustained as well as the pain, suffering and loss of enjoyment of life for Jacob
 3 Wyman.

4
 5 **DECEDANT'S HEALTHCARE PROVIDERS:**

- 6 1. Treating Physicians and/or
 7 Treating Nurses and/or
 8 Person(s) Most Knowledgeable and/or
 9 Custodian of Records
 10 MedicWest Ambulance
 11 Brian Clear, EMT
 12 Eddie Castillo, EMT
 13 Jordan Fox, EMT
 14 P.O. Box 745774
 15 Los Angeles, CA 90074-4774

16 These witnesses are expected to give expert opinions in accordance with FRCP
 17 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES
 18 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,
 19 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the
 20 necessity for past medical treatment, caused by the incident. These witnesses are expected to
 21 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to cardiac
 22 arrest and electrocution. They will also discuss all opinions set forth in their medical records,
 23 reports, and depositions. Their opinions shall include the cost of past medical care, and
 24 whether those medical costs fall within the usual and customary charges in the community
 25 for similar medical care and treatment.

- 26 2. Treating Physicians and/or
 27 Treating Nurses and/or
 28 Person(s) Most Knowledgeable and/or
 Custodian of Records
 Sunrise Hospital
 Samir Shrikar Bangalore, M.D.
 Julie Rivas, M.D.
 Stephen Tam, M.D.

EGLET ADAMS

1 Chad Goffstein, M.D.
 2 Richard Byrd, M.D.
 3 Prashant Gundre, M.D.
 3186 South Maryland Parkway
 Las Vegas, NV 89109

4
 5 These witnesses are expected to give expert opinions in accordance with FRCP
 6 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES
 7 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,
 8 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the
 9 necessity for past medical treatment, caused by the incident. These witnesses are expected to
 10 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to
 11 electrocution, respiratory failure requiring intubation, altered mental status, electrical
 12 accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory
 13 failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,
 14 cerebral edema, and absent cranial nerve function. They will also discuss all opinions set
 15 forth in their medical records, reports, and depositions. Their opinions shall include the cost
 16 of past medical care, and whether those medical costs fall within the usual and customary
 17 charges in the community for similar medical care and treatment.
 18
 19

20 3. Treating Physicians and/or
 21 Treating Nurses and/or
 22 Person(s) Most Knowledgeable and/or
 23 Custodian of Records
 24 Affordable Cremation & Burial Service
 2457 N. Decatur Blvd.
 Las Vegas, NV 89108
 (702) 464-8560

25
 26 These witnesses are expected to give expert opinions in accordance with FRCP
 27 26(a)(2)(C) in relation to the preparation and cremation of Decedent CHARLES WYMAN.
 28 Their opinions shall include the cost of burial and/or cremation, and whether those costs fall

1 within the usual and customary charges in the community for similar burial and/or
2 cremation.

3 4. Treating Physicians and/or
4 Treating Nurses and/or
5 Person(s) Most Knowledgeable and/or
6 Custodian of Records
7 Nevada Neurosciences Institute
8 Samir Bangalore, M.D.
9 3131 Canada Street
10 Las Vegas, NV 89169
11 (702) 706-7710

12 These witnesses are expected to give expert opinions in accordance with FRCP
13 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES
14 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,
15 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the
16 necessity for past medical treatment, caused by the incident. These witnesses are expected to
17 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to
18 electrocution, respiratory failure requiring intubation, altered mental status, electrical
19 accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory
20 failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,
21 cerebral edema, and absent cranial nerve function. They will also discuss all opinions set
22 forth in their medical records, reports, and depositions. Their opinions shall include the cost
23 of past medical care, and whether those medical costs fall within the usual and customary
24 charges in the community for similar medical care and treatment.

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5. Treating Physicians and/or
Treating Nurses and/or
Person(s) Most Knowledgeable and/or
Custodian of Records
Radiology Specialists
Kelly Gardner, M.D.
David Gorczyca, M.D.
Raisa Lev, M.D.
Wayne Jacobs, M.D.
Lindsay Blake, M.D.
P.O. Box 50709
Henderson, NV 89016
(702) 947-7448

These witnesses are expected to give expert opinions in accordance with FRCP 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES WYMAN and the cause of his injuries, diagnoses as reflected in his medical records, prognosis, the necessity and reasonableness of the treatment rendered, the causation of the necessity for past medical treatment, caused by the incident. These witnesses are expected to testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to radiology imaging of chest and brain. They will also discuss all opinions set forth in their medical records, reports, and depositions. Their opinions shall include the cost of past medical care, and whether those medical costs fall within the usual and customary charges in the community for similar medical care and treatment.

6. Treating Physicians and/or
Treating Nurses and/or
Person(s) Most Knowledgeable and/or
Custodian of Records
United Critical Care
Prashant Gundre, M.D.
6040 S. Fort Apache Rd., Suite 100
Las Vegas, NV 89148
(702) 476-4900

These witnesses are expected to give expert opinions in accordance with FRCP 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES

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1 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,
 2 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the
 3 necessity for past medical treatment, caused by the incident. These witnesses are expected to
 4 testify as to Decedent CHARLES WYMAN'S injuries, including but not limited to
 5 electrocution, respiratory failure requiring intubation, altered mental status, electrical
 6 accident caused by industrial wiring, appliances, and electrical machinery, acute respiratory
 7 failure with hypoxemia, cardiac arrest, anoxic encephalopathy, hypoxic brain injury,
 8 cerebral edema, and absent cranial nerve function. They will also discuss all opinions set
 9 forth in their medical records, reports, and depositions. Their opinions shall include the cost
 10 of past medical care, and whether those medical costs fall within the usual and customary
 11 charges in the community for similar medical care and treatment.
 12

14 7. Treating Physicians and/or
 15 Treating Nurses and/or
 16 Person(s) Most Knowledgeable and/or
 17 Custodian of Records
 18 Clark County Fire Department
 19 575 East Flamingo Rd.
 20 Las Vegas, NV 89119
 21 (702) 455-7322

22 These witnesses are expected to give expert opinions in accordance with FRCP
 23 26(a)(2)(C) in relation to the nature of the injuries sustained by Decedent CHARLES
 24 WYMAN and the cause of his injuries, diagnoses as reflected in his medical records,
 25 prognosis, the necessity and reasonableness of the treatment rendered, the causation of the
 26 necessity for past medical treatment, caused by the incident. They will also discuss all
 27 opinions set forth in their medical records, reports, and depositions. Their opinions shall
 28 include the cost of past medical care, and whether those medical costs fall within
 the usual and customary charges in the community for similar medical care and treatment.

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- 1 2DSI007);
- 2 3. Defendant Hi-Tech Security, Inc. and William Roseberry's Answer in Federal
- 3 Court (3DHTFC001 – 3DHTFC008);
- 4
- 5 4. Defendant Hi-Tech Security, Inc. and William Roseberry's Answer in District
- 6 Court (4DHTDC001 – 4DHTDC008);
- 7
- 8 5. Sansone Companies Incident Report (5SCI001 – 5SCI004);
- 9
- 10 6. Employers Report of Industrial Injury (6ERI001);
- 11
- 12 7. OSHA Inspection Report with Pictures (7OIR001 – 7OIR078);
- 13
- 14 8. Death Certificate of Charles Wyman (8DCC001);
- 15
- 16 9. Photos of Smart Bus Crane (9PSB001 – PSB005);
- 17
- 18 10. Photographs of Charles Wyman and Family (10PCW001 – 10PCW 210);
- 19
- 20 11. Video of Charles Wyman and Family (attached DVD);
- 21
- 22 12. Medical records and billing of MedicWest Ambulance dated 9/29/15
- 23 (PLTF000001 – PLTF000011);
- 24
- 25 13. Billing statement of Radiology Specialists dated 9/29/15 through 10/04/15
- 26 (PLTF000012 – PLTF000013);
- 27
- 28 14. Medical records of Sunrise Hospital dated 9/29/15 through 10/04/15
- (PLTF000014 – PLTF000715);
15. Billing statement of United Critical Care dated 9/29/15 through 10/03/15
- (PLTF000716 – PLTF000721);
16. Plaintiff Jennifer Wyman's and Decedent Chuck Wyman's Federal Tax
- Return – Form 1040 for Tax Year 2014 and 2015 (PLTF000722 – PLTF000762);
17. Surveillance video of subject incident produced by Defendant Boulevard
- Ventures, LLC in their Initial 16.1 production on March 22, 2017 under Bates Number

BV000001;

18. Billing statement of Sunrise Hospital dated 9/29/15 through 10/04/15 (PLTF0000763 – PLTF000777).

III.

TANGIBLE ITEMS

Pursuant to FRCP 26(a)(1)(A)(ii), Plaintiffs hereby describe and identify the tangible items or things in possession of Plaintiffs which are relevant to this lawsuit and *are available for inspection and copying at Defendant's expense*: All MRIs, X-rays, CT scans, and radiology films and studies associated with reports contained in the medical records.

Provider	Service Date	Type of Film
Sunrise Hospital	9/29/15	X-Ray Chest
Sunrise Hospital	9/29/15	CT Brain
Sunrise Hospital	9/30/15	X-Ray Chest
Sunrise Hospital	10/01/15	X-Ray Chest
Sunrise Hospital	10/02/15	CT Brain
Sunrise Hospital	10/02/15	X-Ray Chest
Sunrise Hospital	10/04/15	X-Ray Chest

Plaintiffs also designate and incorporate herein all documents, witnesses, and tangible items disclosed by any other party in this action pursuant to FRCP 26-1; all documents produced by all parties in response to Requests for Production of Documents; and all exhibits to depositions taken in this action.

IV.

COMPUTATION OF DAMAGES

Pursuant to FRCP 26(a)(1)(A)(iii), Plaintiffs provide the following computation of damages, which is not intended to be all-inclusive. Discovery is continuing and Plaintiffs reserves

the right to supplement any computation and damage amount.

	Medical Provider	Charges
1.	Affordable Cremation & Burial	\$1,508.17
2.	MedicWest Ambulance	\$1,080.31
3.	Radiology Specialists	\$486.00
4.	Sunrise Hospital	\$172,154.00
5.	United Critical Care	\$3,320.00
	TOTAL	\$178,548.48

Past Medical and Related Expenses **\$178,548.48**

Loss of Financial Support **\$1,326,589.00**

Loss of Household Services **\$TBD**

Total Special Damages **\$1,505,137.48**

Plaintiffs reserve the right to supplement this Computation of Damages with any and all other relevant documents and records, which come into their possession during discovery.

Further, Plaintiffs reserve the right to seek other damages in an amount to be proven at trial, whereby a jury will decide upon a sum of money sufficient to reasonably and fairly compensate Plaintiffs for the following items:

1. The reasonable medical expenses Plaintiffs have necessarily incurred as a result of the accident/incident.
2. The reasonable value of services performed by another in doing things for Plaintiffs, which, except for the injuries, Plaintiffs would ordinarily have performed.
3. The physical and mental pain, suffering, anguish, and disability endured by Plaintiffs from the date of the accident/incident to the present; and
4. The physical and mental pain, suffering, anguish, and disability which the jury believes Plaintiffs is reasonably certain to experience in the future as a result of the accident/incident, discounted to present value.

MISCELLANEOUS

Plaintiffs reserve the right to have a consulting expert review records and/or documents and provide opinions to counsel, but not testify at the time of trial, pursuant to FRCP 26(b)(5).

Plaintiffs reserve the right to call any witness named by Defendants. Plaintiffs reserve the right to call any witness as may be necessary for the purpose of impeachment. Plaintiffs may call any and all witnesses called in rebuttal to testimony given by Defendants' witnesses. Plaintiffs reserve the right to object to any of Defendants' witnesses at the time of trial.

Plaintiffs reserve the right to supplement this exhibit list with any and all other relevant documents and records, which come into their possession during discovery.

Plaintiffs reserve the right to have a medical expert review the medical records and provide an opinion to counsel, but not testify at the time of trial and/or arbitration.

Plaintiffs further reserve the right to use any and all of any other parties' exhibits at the time of trial of this matter.

V.

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial certain exhibits for demonstrative purposes including, but not limited to, the following:

- a. Actual surgical hardware, plates, screws, surgical tools, and surgical equipment as used in Decedent CHARLES WYMAN'S medical treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Decedent CHARLES WYMAN underwent;
- c. Actual diagnostic studies performed on Decedent CHARLES WYMAN, including post discography CT scans (if any) and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;

- 1 e. Diagrams, drawings, pictures, photos, film, video, DVD, and CD ROM
- 2 of various parts of the human body, diagnostic tests and surgical
- 3 procedures;
- 4 f. Computer simulation, finite element analysis, mabymo, and similar forms
- 5 of computer visualization;
- 6 g. Power point images/drawings/diagrams/animations/story boards, of the
- 7 subject incident, the parties involved, the location of subject incident, and
- 8 what occurred at the subject incident.
- 9 h. Pictures of Decedent CHARLES WYMAN prior and subsequent to the
- 10 subject accident;
- 11 i. Surgical timeline;
- 12 j. Medical treatment timeline;
- 13 k. Future medical timeline;
- 14 l. Charts depicting Plaintiffs' life care plans;
- 15 m. Charts depicting Plaintiffs' loss of hedonic damages;
- 16 n. Charts depicting Plaintiffs' loss of household services;
- 17 o. Photographs of Plaintiffs' witnesses;
- 18 p. Charts depicting Plaintiffs' life expectancy;
- 19 q. Story boards and computer digitized power point images;
- 20 r. Blow-ups/transparencies/digitized images of medical records, medical
- 21 bills, photographs and other exhibits;
- 22 s. Diagrams/story boards/computer re-enactment of subject incident;
- 23 t. Diagrams of various parts of the human body related to Decedent
- 24 CHARLES WYMAN'S injuries;
- 25 u. Photographs of various parts of the human body related to Decedent
- 26 CHARLES WYMAN'S injuries;
- 27 v. Models of the human body related to Decedent CHARLES WYMAN'S
- 28 injuries;
- w. Sample of an intrathecal drug delivery system and leads; and

- 1
2 x. Samples of the needles and surgical tools used in Decedent CHARLES
3 WYMAN'S various diagnostic and therapeutic pain management
4 procedures.

5 VI.

6 GENERAL OBJECTIONS

7 1. General Objections Applicable to All Witnesses Disclosed by Defendants.

8 Plaintiffs object to any witness identified by Defendants which should be excluded on the
9 basis that the witnesses are not relevant, or unfairly prejudicial, or not identified with particularity,
10 or lack foundation, or would potentially violate the collateral source rule, or violate a stipulation
11 of the parties and/or Orders of this Court. Additionally, Plaintiffs reserve the right to object to any
12 witness identified by any party in the instant matter. Furthermore, Plaintiffs reserve the right to
13 object to or exclude any witness testimony, of any basis, at the time of trial.
14

15 2. General Objections Applicable to all Documents Disclosed by Defendants.

16 Plaintiffs object to any documents that Defendants intend to use as exhibits at the trial of
17 this matter, if any information violates the collateral source rule, hearsay rule, lacks foundation, is
18 not relevant or which relevancy is outweighed by its prejudicial effect, or contains information
19 that was/will be excluded by the court or by stipulation of the parties. Plaintiffs also object to
20 these documents inasmuch as they have not been properly redacted according to the laws of
21 privacy, and the previous stated objections.
22

23 By disclosing witnesses and/or documents, Plaintiffs do not waive the right to challenge
24 and/or exclude any such witness or document or portions thereof on any basis.
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1 Plaintiffs reserve the right to object to any document identified by any party in the instant
2 matter.

3 DATED this 27th day of August, 2019.

4
5 **EGLET ADAMS**

6
7 /s/ Tracy A. Eglet, Esq.
8 ROBERT T. EGLET, ESQ.
9 Nevada Bar No. 3402
10 TRACY A. EGLET, ESQ.
11 Nevada Bar No. 6419
12 *Attorneys for Plaintiffs*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of EGLET ADAMS, and that on August 27, 2019, I caused the foregoing document entitled **PLAINTIFF'S INITIAL DISCLOSURE OF DOCUMENTS AND WITNESSES PURSUANT TO FRCP 26(a)(1)** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

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///

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25 *Attorneys for Plaintiff Sara Rodriguez,*
26 *As parent and guardian of Jacob Wyman*

27 /s/ Jennifer L. Nerney
28 An Employee of EGLET ADAMS